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Government
Publications

REPORT
OF THE
INSPECTOR OF LEGAL OFFICES
ONTARIO
1925

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO



ONTARIO

TORONTO

Printed and Published by Clarkson W. James, Printer to the King's Most Excellent Majesty
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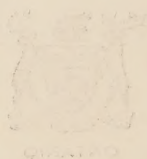
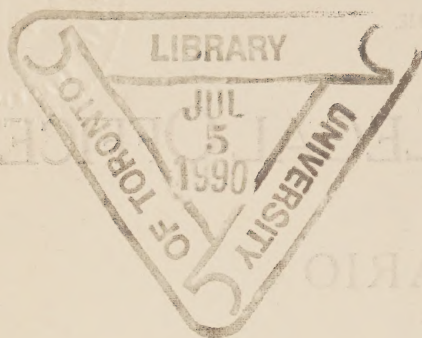


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REPORT
OF THE
INSPECTOR OF LEGAL OFFICES
ONTARIO, 1925

TO HIS HONOUR HENRY COCKSHUTT, ESQ.,
Lieutenant-Governor of the Province of Ontario.

MAY IT PLEASE YOUR HONOUR:

The undersigned begs respectfully to present to Your Honour the Annual Report of the Inspector of Legal Offices for the year ending 31st December, 1925.

W. F. NICKLE,
Attorney-General.

Toronto, March 2nd, 1926.

REPORT
OF THE
INSPECTOR OF LEGAL OFFICES
ONTARIO, 1925

TO HIS HONOUR HENRY COCKSHUTT, ESQ.,
Lieutenant-Governor of the Province of Ontario.

SIR,—I have the honour to present my first Annual Report as Inspector of Legal Offices for the year ending December 31st, 1925.

This is the first report since the consolidation of the inspection of all legal offices, by Order-in-Council dated January 20th, 1925, appointing me Inspector of Legal Offices, and Mr. W. W. Ellis and Mr. H. A. Locke, Assistant Inspectors.

This report covers all the legal offices in the Province of Ontario and includes Local Registrars of the Supreme Court of Ontario, Deputy Clerks of the Crown, County and District Court Clerks, Surrogate Registrars, Local Masters of the Supreme Court of Ontario, Crown Attorneys, Clerks of the Peace, Sheriffs, Police Magistrates, all Registrars of Deeds, Local Masters of Titles, Division Court Clerks and Bailiffs in the Province of Ontario.

The work of the inspection of the different offices has been reorganized. I look after the actual inspection of the Registry Offices, Land Titles Offices and all Legal Offices, including the offices of Police Magistrates in the cities and towns that I visit, and Mr. Ellis and Mr. Locke have charge of the inspection of all Division Courts and the balance of the Police Magistrates' offices.

Reports of all inspections made are filed in my office and, where necessary, follow-up letters are sent to the different officers, giving a statement to the officer direct of the general condition of his particular office with such directions and instructions as are necessary. This system should result in more uniformity and efficiency in the various offices under my supervision.

The duties of my office as Inspector are, needless to say, varied and important. The perusal of the various monthly and annual returns of the different officers, the computing of percentages payable, the answering of correspondence, the instructions, rulings and opinions given to the many references that are made during the year by the various officers, members of the profession and others, occupies a good deal of time at the office; while the actual inspection of the offices of some forty-nine Sheriffs, Local Registrars of the Supreme Court of Ontario, County and District Court Clerks, Surrogate Registrars, Crown Attorneys, Clerks of the Peace, Local Masters of the Supreme Court of Ontario, and some forty-six Police Magistrates, sixty-six Registrars of Deeds and fifteen Land Titles Offices entails my absence from the office for a considerable portion of the year.

The Assistant Inspectors also have varied and important duties to perform in checking over the annual returns of some three hundred and forty-six Division Court Clerks and as many Bailiffs, computing percentages, answering correspondence relating to Division Court Matters, investigation of complaints and the actual inspection of the Division Court Clerks and Bailiffs throughout the Province and the Police Magistrates in those centres that I do not visit.

With the co-operation of Mr. G. A. Brown, Provincial Auditor, the books in several of the offices have been audited with the result that the bookkeeping in the offices is on a much better basis than heretofore.

Since assuming the office on the first of February, 1925, I have personally inspected forty-seven Registry Offices, nine Land Titles offices and the offices of thirty-two Sheriffs, Local Registrars of the Supreme Court of Ontario, County and District Court Clerks, Surrogate Registrars, Crown Attorneys and Clerks of the Peace, Local Masters of the Supreme Court of Ontario and some forty Police Magistrates, and I find as a result of my inspections that the offices, on the whole, are satisfactorily and well conducted.

There does not appear to have been published heretofore any report in connection with the Land Titles Offices, and I have included in this report a statement in respect to the fifteen Land Titles Offices in the Province which are under my supervision.

In connection with the Land Titles Offices, new forms for the annual return of the business have been prepared, and also each Local Master of Titles sends me a monthly return of all Assurance Fees collected.

The revenue payable to the Province from the different public officers under my supervision and collected by this office for the year 1925 amounted to the sum of \$700,796.83.

Police Magistrates' fines and fees	\$500,009 57
(\$378,298.20 of this amount was paid direct to Inspectors O.T.A., but reported to me.)	
Local Registrars, S.C.O., County and District Court Clerks and Surrogate Registrars	68,529 32
Crown Attorneys and Clerks of the Peace	24,287 15
Sheriffs	20,521 44
Registrars of Deeds and Local Masters of Title	21,911 13
Division Court Clerks and Bailiffs	50,480 75
Estreats and forfeitures	5,211 08
Miscellaneous	3,567 51
Bankruptcy fees	6,278 88
Total	\$700,796 83

A very important ruling has been given during the year by the Honourable the Attorney-General in connection with the fees of public officers that are properly returnable under *The Public Officers Fees Act*, and I quote from the ruling as follows:

"It is my opinion that all public officers should include in their returns made under *The Public Officers Fees Act*, all fees earned by them by virtue of any office held by them under the gift of the Ontario Government.

This would include any fees earned by virtue of the sale of law stamps; any fees earned by virtue of proceedings under the *Dominion Naturalization Act*; any fees earned by virtue of election proceedings either Provincial or Dominion; and any fees earned by Crown Attorneys in matters where a duty is cast upon them by virtue of their holding the office of Crown Attorney, and likewise any fees earned by any officer where a duty is cast upon him by virtue of his holding office under the gift of the Province of Ontario."

A number of the officers had complied with this ruling and a number also had not, and a direction was given that the arrears should be collected as soon as possible but that it would be sufficient to go back to the year 1920 for this purpose.

I have attached hereto the following schedules with a statement in reference to the offices generally, and notes on such of my observations, directions, opinion and decisions as seem to me to be of interest to the various officers, the profession and others having business transactions with the respective offices:

1. Financial statement of judicial offices, namely Sheriffs, Surrogate Judges, Local Masters, S.C.O., Crown Attorneys and Clerks of the Peace, Local Registrars S.C.O., County and District Court Clerks and Surrogate Registrars.
2. Statement respecting Police Magistrates.
3. Statement respecting Division Courts.
4. Statement respecting Registrars of Deeds, showing business transacted and a financial statement.
5. Statement respecting Land Titles Offices, showing business transacted and financial statement.
6. Observations, directions, opinions and decisions given by the Inspector in reference to the various offices.

All of which is respectfully submitted.

I have the honour to be, Sir,
Your obedient servant,

I. A. HUMPHRIES,
Inspector of Legal Offices.

Toronto, Ont., 2nd March, 1926.

Financial Statement

Sheriffs.

Surrogate Judges.

Local Masters, S.C.O.

Crown Attorneys and Clerks of the Peace.

Local Registrars, S.C.O.

County and District Court Clerks.

Surrogate Registrars.

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
ALGOMA:			\$ c.	\$ c.
Sault Ste. Marie.....	Sheriff.....	C. M. Macreath.....	3,128 75	1,000 00
	Surrogate Judge.....	Judge Stone.....		1,000 00
	Local Master.....	Judge Hall.....	199 10	
	" ".....	aW. G. Atkin.....	2,174 82	249 00
	Crown Attorney.....	" ".....		
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	T. J. Foster.....	3,004 83	750 00
	District Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
BRANT:				
Brantford....	Sheriff.....	J. W. Westbrook.....	3,586 99	
	Surrogate Judge.....	Judge Hardy.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	W. M. Charlton, K.C.....	2,703 08	
	Clerk of the Peace.....	" " ".....		
	Local Registrar.....	bW. A. Hollinrake, K.C....	5,497 33	675 00
	County Court Clerk.....	" " ".....		
	Surrogate Registrar.....	" " ".....		
BRUCE:				
Walkerton....	Sheriff.....	D. M. Jermyn.....	2,481 55	
	Surrogate Judge.....	Judge Klein.....		
	Local Master.....	" ".....		1,000 00
	Crown Attorney.....	J. W. Freeborn.....	3,068 29	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	R. E. Clapp.....	3,937 48	675 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
CARLETON:				
Ottawa.....	Sheriff.....	G. C. Richardson.....	9,676 68	
	Surrogate Judge.....	Judge Mulligan.....		1,300 00
	Local Master.....	F. A. Magee.....	278 10	
	Local Registrar.....	" ".....		
	Crown Attorney.....	J. A. Ritchie.....	3,445 97	
	Clerk of the Peace.....	" ".....		
	County Court Clerk.....	Horace Pratt.....	11,965 63	337 50
	Surrogate Registrar.....	" ".....		
COCHRANE:				
Cochrane.....	Sheriff.....	J. D. Mackay.....	5,219 10	1,131 25
	Surrogate Judge.....	Judge Caron.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	J. M. Greer.....	3,332 25	250 00
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	W. L. Warrell.....	2,430 75	600 00
	District Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
DUFFERIN:				
Orangeville...	Sheriff.....	H. Endacott.....	1,958 61	
	Surrogate Judge.....	Judge Fisher.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	J. L. Island.....	1,508 22	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	J. A. V. Preston.....	2,037 40	675 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		

a Mr. Atkin was appointed Crown Attorney 16th May, 1925.

b Mr. Hollinrake died 25 Sept., 1925. W. M. Charlton, Crown Attorney, acting.

the Province of Ontario for the year ending December 31, 1925.

Total earnings and salary in all offices	Total office disburse- ments	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters dur- ing the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
4,128 75	987 26	3,141 49		3,141 49			Algoma.
				1,000 00			
199 10		199 10		199 10			
2,423 82	230 00	2,193 82		2,193 82			
3,754 83	429 20	3,325 63	115 12	3,210 51		1,470 05	
3,586 99	810 40	2,776 59		2,776 59			Brant.
				1,000 00	72 80		
2,703 08	140 03	2,563 05		2,563 05			
6,172 33	2,099 78	4,072 55	436 27	3,636 28		5,935 95	
2,481 55	1,245 34	1,236 21		1,236 21			Bruce.
				1,000 00	26 10		
3,068 29	65 00	3,003 29		3,003 29			
4,612 48	840 00	3,772 48	286 24	3,486 24		2,995 65	
9,676 68	3,177 15	6,499 53		6,499 53			Carleton.
3,445 97	270 00	3,175 97		3,175 97			
12,303 13	3,821 63	8,481 50	4,033 35	4,448 15		12,162 25	
6,350 35	2,905 20	3,445 15		3,445 15			Cochrane.
				1,000 00			
3,582 25	926 48	2,655 77		2,655 77	54 00		
3,030 75	391 70	2,639 05	13 90	2,625 15		733 65	
1,958 61	756 98	1,201 63		1,201 63			Dufferin.
				1,000 00			
1,508 22	129 47	1,378 75		1,378 75			
2,712 40	111 45	2,600 95	10 09	2,590 86		1,861 60	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
ELGIN:			\$ c.	\$ c.
St. Thomas...	Sheriff	P. S. D. Harding	3,376 40	
	Surrogate Judge	Judge Ross		1,000 00
	Local Master	C. F. Maxwell	137 90	
	Crown Attorney	A. McCrimmon	3,810 29	
	Clerk of the Peace	" "		
	Local Registrar	I. D. Cameron	4,456 02	675 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
ESSEX:				
Sandwich	Sheriff	C. N. Anderson	10,066 90	
	Surrogate Judge	Judge Coughlin		1,000 00
	Local Master	" "		
	Crown Attorney	a J. S. Allan	10,800 37	5,000 00
	Clerk of the Peace	" "		
	Local Registrar	Henry Clay	10,661 70	675 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
FRONTENAC:				
Kingston	Sheriff	R. F. Vair	3,220 50	
	Surrogate Judge	Judge Lavell		1,000 00
	Local Master	J. B. Walkem, K.C.	325 00	
	Crown Attorney	T. J. Rigney, K. C.	3,482 58	
	Clerk of the Peace	" "		
	Local Registrar	C. H. Wood	2,159 06	675 00
	County Court Clerk	" "		
	Surrogate Registrar	Helen Fraser	2,419 65	
GREY:				
Owen Sound ..	Sheriff	J. S. Wilson	3,529 00	
	Surrogate Judge	Judge Sutherland		1,000 00
	Local Master	" "		
	Crown Attorney	b T. H. Dyre	2,351 66	3,010 00
	Clerk of the Peace	" "		
	Local Registrar	T. J. Rutherford	4,523 25	750 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
HALDIMAND:				
Cayuga	Sheriff	M. McConnell	2,051 66	
	Surrogate Judge	Judge Hopkins		1,000 00
	Local Master	" "		
	Crown Attorney	Harrison Arrell, K.C.	2,581 20	
	Clerk of the Peace	" "		
	Local Registrar	J. C. Eccles	2,206 95	600 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
HALTON:				
Milton	Sheriff	S. Webster	2,719 61	
	Surrogate Judge	Judge Elliott		1,000 00
	Local Master	" "		
	Crown Attorney	W. I. Dick	2,905 39	
	Clerk of the Peace	" "		
	Local Registrar	W. J. McClenahan	2,897 85	600 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		

^a Mr. Allan was appointed Crown Attorney 9th July, 1925. His fees are commuted at \$5,000.00 per annum.

^b Mr. Dyre's fees are commuted at \$3,010.00 per annum.

the Province of Ontario for the year ending December 31, 1925.—Continued.

Total earnings and salary in all offices	Total office disburse- ments	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
3,376 40	1,677 69	1,698 71		1,698 71			Elgin.
137 90		137 90		1,000 00			
3,810 29	700 03	3,110 26		137 90			
				3,110 26			
5,151 02	1,382 00	3,749 02	274 51	3,474 51		3,430 40	
10,066 90	3,382 14	6,684 76	166 29	6,518 47			Essex.
				1,000 00			
15,800 37	2,195 98	13,604 39	8,604 39	5,000 00	399 10		
11,336 70	1,592 38	9,744 32	5,169 89	4,574 43		9,641 30	
3,220 50	731 93	2,488 57		2,488 57			Frontenac.
				1,000 00			
325 00	50 00	275 00		275 00			
3,482 58		3,482 58		3,482 58			
2,834 06	349 30	2,484 76		2,484 76		258 30	
2,419 65	200 00	2,219 65		2,219 65		1,507 10	
3,529 00	1,222 50	2,306 50		2,306 50			Grey.
				1,000 00			
					38 50		
5,361 66	1,152 00	4,209 66	1,199 66	3,010 00			
5,273 25	1,191 85	4,081 40	440 70	3,640 70		3,154 95	
2,051 66	458 34	1,593 32		1,593 32			Haldimand.
				1,000 00			
2,581 20	560 50	2,020 70		2,020 70			
2,806 95	217 35	2,589 60	8 96	2,580 64		1,359 05	
2,719 61	1,245 30	1,474 31		1,474 31			Halton.
				1,000 00			
					45 78		
2,905 39	397 72	2,507 67		2,507 67			
3,497 85	88 80	3,409 05	131 81	3,277 24		2,399 00	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
HASTINGS: Belleville.....	Sheriff.....	J. H. Clare.....	\$ c. 4,004 95	\$ c.
	Surrogate Judge.....	Judge Wills.....		1,000 00
	Local Master.....	S. S. Lazier.....	Commuted	3,000 00
	Deputy Registrar.....	" "		
	Crown Attorney.....	B. C. Donnan.....	5,523 42	
	Clerk of the Peace.....	" "		
	Deputy Clerk of the Crown. Surrogate Registrar.....	J. A. Kerr..... " "	5,812 71	450 00
HURON: Goderich.....	Sheriff.....	R. G. Reynolds.....	3,414 07	
	Surrogate Judge.....	Judge Lewis.....		1,000 00
	Local Master.....	" "		
	Crown Attorney.....	C. Seager, K.C.....	2,997 50	
	Clerk of the Peace.....	" "		
	Local Registrar.....	D. McDonald.....	6,137 24	750 00
	County Court Clerk..... Surrogate Registrar.....	" " " "		
KENORA: Kenora.....	Sheriff.....	J. W. Humble.....	1,473 27	1,000 00
	Surrogate Judge.....	Judge Chapple.....		1,000 00
	Local Master.....	" "		
	Crown Attorney.....	H. P. Cooke, K.C.....	1,890 44	450 00
	Clerk of the Peace.....	" "		
	Local Registrar.....	aJ. N. Ladouceur.....	833 48	700 00
	District Court Clerk..... Surrogate Registrar.....	" " " "		
KENT: Chatham.....	Sheriff.....	E. W. Hardey.....	5,227 91	
	Surrogate Judge.....	Judge Stamworth.....		1,000 00
	Local Master.....	" "		
	Crown Attorney.....	H. D. Smith, K.C.....	6,210 60	
	Clerk of the Peace.....	" "		
	Local Registrar.....	D. E. Douglas.....	5,530 25	675 00
	County Court Clerk..... Surrogate Registrar.....	" " " "		
LAMBTON: Sarnia.....	Sheriff.....	A. J. Johnston.....	3,259 07	
	Surrogate Judge.....	Judge Taylor.....		1,000 00
	Local Master.....	" "		
	Crown Attorney.....	F. W. Willson.....	4,409 23	
	Clerk of the Peace.....	" "		
	Local Registrar.....	Alex. Saunders.....	4,946 70	675 00
	County Court Clerk..... Surrogate Registrar.....	" " " "		
LANARK: Perth.....	Sheriff.....	J. H. Ebbs.....	1,870 02	
	Surrogate Judge.....	Judge Scott.....		1,000 00
	Local Master.....	" "		
	Crown Attorney.....	C. H. McKimm.....	1,925 05	
	Clerk of the Peace.....	" "		
	Local Registrar.....	J. S. L. McNeely.....	3,222 92	675 00
	County Court Clerk..... Surrogate Registrar.....	" " " "		

a Mr. Ladouceur appointed by Order-in-Council 2nd June, 1925; Mr. Chadwick having died 23rd March, 1925; Mr. Cooke held office from 24th March to 1st June, inclusive.

the Province of Ontario for the year ending December 31, 1925.—*Continued.*

Total earnings and salary in all offices	Total office disburse- ments	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
4,004 95	1,192 23	2,812 72		2,812 72			Hastings.
				1,000 00			
				3,000 00			
5,523 42	1,689 34	3,834 08	167 04	3,667 04			
6,262 71	1,369 01	4,893 70	846 85	4,046 85		3,110 47	
3,414 07	924 63	2,489 44		2,489 44			Huron.
				1,000 00			
					21 30		
2,997 50	50 00	2,947 50		2,947 50			
6,887 24	1,654 10	5,233 14	1,109 83	4,123 31		6,948 40	
2,473 27	875 18	1,598 09		1,598 09			Kenora.
				1,000 00			
					18 90		
2,340 44	75 00	2,265 44		2,265 44			
1,533 48	463 98	1,069 50		1,069 50		337 85	
5,227 91	2,279 08	2,948 83		2,948 83			Kent.
				1,000 00			
6,210 60	1,550 00	4,660 60	580 30	4,080 30			
6,205 25	1,757 65	4,447 60	623 80	3,823 80		4,313 10	
3,259 07	779 51	2,479 56		2,479 56			Lambton.
				1,000 00			
4,409 27	1,081 67	3,427 60		3,427 60			
5,621 70	900 00	4,721 70	760 85	3,960 85		4,745 90	
1,870 02	735 34	1,134 68		1,134 68			Lanark.
				1,000 00			
					67 70		
1,925 05	578 53	1,346 52		1,346 52			
3,897 92	521 10	3,376 82	125 37	3,251 45		2,018 90	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
			\$ c.	\$ c.
LEEDS AND GRENVILLE: Brockville....	Sheriff.....	J. A. McCammon.....	3,897 89	
	Surrogate Judge.....	Judge Dowsley.....		1,000 00
	Local Master.....	" ".....		
	" ".....	Judge Reynolds.....	122 59	
	Crown Attorney.....	M. M. Brown.....	2,818 35	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	A. E. Baker.....	5,128 30	750 00
	County Court Clerk.....	" ".....		
LENNOX AND ADDINGTON: Napanee....	Surrogate Registrar.....	" ".....		
	Sheriff.....	C. W. Vandervoort.....	1,650 28	
	Surrogate Judge.....	Judge Madden.....		1,000 00
	Local Master.....	S. S. Lazier.....	180 20	
	Crown Attorney.....	U. M. Wilson.....	1,536 09	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	W. P. Deroche.....	2,086 05	600 00
	County Court Clerk.....	" ".....		
LINCOLN: St. Catharines.	Surrogate Registrar.....	" ".....		
	Sheriff.....	H. O'Loughlin.....	4,857 68	
	Surrogate Judge.....	Judge Campbell.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	E. H. Lancaster.....	3,256 98	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	E. J. Lovelace.....	4,898 20	675 00
	County Court Clerk.....	" ".....		
MANITOULIN: Gore Bay....	Surrogate Registrar.....	" ".....		
	Sheriff.....	J. H. Fell.....	911 03	950 00
	Surrogate Judge.....	Judge Hewson.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	W. F. McRae.....	1,783 75	250 00
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	C. C. Platt.....	541 69	850 00
	District Court Clerk.....	" ".....		
MIDDLESEX: London.....	Surrogate Registrar.....	" ".....		
	Sheriff.....	D. A. Graham.....	6,302 70	
	Surrogate Judge.....	Judge Macbeth.....	1,300 00	
	" ".....	b Judge Judd.....	1,000 00	
	Local Master.....	H. S. Blackburn.....	2,038 37	
	Deputy Registrar.....	" ".....		
	Crown Attorney.....	a A. M. Judd.....	1,727 95	5,000 00
	Clerk of the Peace.....	" ".....		
MUSKOKA: Bracebridge..	Deputy Clerk of the Crown.....	E. Weld.....	12,291 59	500 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
	Sheriff.....	J. G. Myers.....	1,572 13	1,350 00
	Surrogate Judge.....	Judge Mahaffy.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	Thos. Johnson.....	972 81	250 00
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	C. S. Salmon.....	1,702 19	600 00
	District Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		

a Mr. Judd's fees are commuted at \$5,000.00; b Judge Judd died.

the Province of Ontario for the year ending December 31, 1925.—*Continued.*

Total earnings and salary in all offices	Total office disburse- ments	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
3,897 89	1,409 39	2,488 50		2,488 50			Leeds and Grenville.
				1,000 00			
122 59		122 59		122 59			
2,818 35	489 73	2,328 62		2,328 62			
5,878 30	1,324 70	4,553 60	676 80	3,876 80		3,713 20	
1,650 28	272 79	1,377 49		1,377 49			Lennox and Addington.
				1,000 00			
180 20	60	179 60		179 60			
1,536 09	912 04	624 05		624 05			
2,686 05	364 05	2,322 00		2,322 00		1,581 80	
4,857 68	1,361 68	3,496 00		3,496 00			Lincoln.
				1,000 00			
					61 00		
3,256 98	896 66	2,360 32		2,360 32			
5,573 20	1,232 00	4,341 20	548 10	3,754 10		5,890 10	
1,861 03	35 00	1,826 03		1,826 03			Manitoulin.
				1,000 00			
2,033 75	100 00	1,933 75		1,933 75			
1,391 69		1,391 69		1,391 69		286 90	
6,302 70	1,595 53	4,707 17		4,707 17			Middlesex.
1,300 00		1,300 00		1,300 00			
1,000 00		1,000 00		1,000 00			
2,038 37	634 00	1,404 37		1,404 37			
6,727 95		6,727 95	1,727 95	5,000 00			
12,791 59	4,724 00	8,067 59	3,660 83	4,406 76		11,703 10	
2,922 13	330 24	2,591 89		2,591 89			Muskoka.
				1,000 00			
					34 30		
1,222 81	53 70	1,169 11		1,169 11			
2,302 19	58 77	2,243 42		2,243 42		595 00	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
NIPISSING: North Bay....	Sheriff.....	<i>a</i> Peter Groulx.....	\$ c. 3,536 33	\$ c. 800 00
	Surrogate Judge.....	Judge Valin.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	T. E. McKee.....	2,991 81	250 00
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	T. J. Bourke.....	2,773 55	600 00
	District Court Clerk.....	" ".....		
NORFOLK: Simcoe.....	Surrogate Register.....	" ".....		
	Sheriff.....	W. Tisdale.....	1,853 83	
	Surrogate Judge.....	Judge Boles.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	W. E. Kelly, K.C.....	3,863 73	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	C. C. Rapelje.....	2,709 46	675 00
NORTHUMBER- LAND AND DURHAM..... Cobourg.....	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
	Sheriff.....	D. J. Nesbitt.....	3,753 24	
	Surrogate Judge.....	<i>b</i> Judge McGlade.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	W. F. Kerr, K.C.....	3,108 87	
	Clerk of the Peace.....	" ".....		
ONTARIO: Whitby.....	Local Registrar.....	J. T. Field.....	5,132 35	750 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
	Sheriff.....	J. F. Paxton.....	3,135 03	
	Surrogate Judge.....	<i>c</i> Judge Thompson.....		1,000 00
	Local Master.....	Judge Ruddy.....	128 20	
	Crown Attorney.....	J. F. Grierson.....	3,268 06	
OXFORD: Woodstock...	Clerk of the Peace.....	" ".....		
	Local Registrar.....	Horace Bascom.....	4,476 25	675 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
	Sheriff.....	Wm. McGhee.....	2,909 92	
	Surrogate Judge.....	Judge Wallace.....		1,000 00
	Local Master.....	W. T. McMullen.....	26 10	
PARRY SOUND: Parry Sound..	Crown Attorney.....	R. N. Ball, K.C.....	2,583 31	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	P. McDonald.....	6,649 00	450 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
	Sheriff.....	J. E. Armstrong.....	2,551 41	750 00
	Surrogate Judge.....	Judge Powell.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	W. L. Haight, K.C.....	10 00	1,500 00
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	Fred Tasker.....	1,754 83	600 00
	District Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		

a Mr. Caldbick held office up to 11th December, 1925, the date when Mr. Groulx assumed office.

b Judge McGlade appointed by Order-in-Council 8th October, 1925; Judge Cameron having died 10th August, 1925; each received proportionate part of \$1,000.00.

c Judge Thompson appointed by Order-in-Council 8th October, 1925, Judge McGillivray having died 28th June, 1925.

the Province of Ontario for the year ending December 31, 1925.—Continued.

Total earnings and salary in all offices	Total office disburse- ments	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
4,336 33	1,934 77	2,401 56		2,401 56			Nipissing.
				1,000 00			
3,241 81	500 50	2,741 31		2,741 31	14 90		
3,373 55	291 65	3,081 90	66 38	3,015 52		859 60	
1,853 83	757 35	1,096 48		1,096 48			Norfolk.
				1,000 00			
3,863 73	807 74	3,055 99		3,055 99	16 60		
3,384 46		3,384 46	126 86	3,257 60		1,463 45	
3,753 24	1,520 55	2,232 69		2,232 69			Northumber- land and Durham.
				1,000 00			
3,108 87	854 52	2,254 35		2,254 35	6 30		
5,882 35	936 20	4,946 15	873 08	4,073 07		4,056 50	
3,135 03	893 90	2,241 13		2,241 13			Ontario.
				1,000 00			
128 20		128 20		128 20			
3,268 06	889 00	2,379 06		2,379 06			
5,151 25	799 32	4,351 93	575 97	3,775 96		3,196 40	Oxford.
2,909 92	1,517 35	1,392 57		1,392 57			
26 10		26 10		1,000 00			
2,583 31		2,583 31		26 10			
7,099 00	1,732 45	5,366 55	1,229 90	4,136 65		4,385 90	Parry Sound.
3,301 41	1,300 08	2,001 33		2,001 33			
				1,000 00			
1,510 00		1,510 00	10 00	1,500 00			
2,354 83	31 47	2,323 36		2,323 36		1,020 70	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
			\$ c.	\$ c.
PEEL: Brampton	Sheriff	N. Henderson	2,527 94	
	Surrogate Judge	Judge Justin		1,000 00
	Local Master	" "		
	Crown Attorney	aW. S. Morphy	757 31	1,700 00
	Clerk of the Peace	" "		
	Local Registrar	bJ. R. Fallis	2,646 42	600 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
PERTH: Stratford	Sheriff	Thos. Magwood	3,560 77	
	Surrogate Judge	Judge Killoran		1,000 00
	Local Master	" "		
	Crown Attorney	G. G. McPherson, K.C.	3,492 24	
	Clerk of the Peace	" "		
	Local Registrar	cF. H. Thompson, K.C.	5,461 88	675 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
PETERBOROUGH: Peterborough	Sheriff	F. J. A. Hall	2,418 09	
	Surrogate Judge	Judge Huycke		1,000 00
	Local Master	O. A. Langley	267 50	
	Crown Attorney	G. W. Hatton	2,350 87	
	Clerk of the Peace	" "		
	Local Registrar	G. J. Sherry	4,645 83	675 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
PRESCOTT AND RUSSELL: L'Orignal	Sheriff	S. W. Wright	1,639 38	
	Surrogate Judge	Judge Constantineau		1,000 00
	Local Master	" "		
	Crown Attorney	F. W. Thistlethwaite	2,419 96	
	Clerk of the Peace	" "		
	Local Registrar	Jos. Belanger	2,115 55	675 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
PRINCE EDWARD: Picton	Sheriff	D. J. Barker	1,487 00	
	Surrogate Judge	Judge McLean		1,000 00
	Local Master	" "		
	Crown Attorney	M. R. Allison	1,614 97	
	Clerk of the Peace	" "		
	Local Registrar	R. H. Hubbs	2,157 48	600 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
RAINY RIVER: Fort Frances	Sheriff	W. A. Baker	2,184 08	750 00
	Surrogate Judge	Judge McLennan		1,000 00
	Local Master	" "		
	Crown Attorney	N. L. Croome	1,608 40	250 00
	Clerk of the Peace	" "		
	Local Registrar	W. P. Pilkey	1,254 20	150 00
	District Court Clerk	" "		
	Surrogate Registrar	" "		

a Mr. Morphy's fees are commuted at \$1,700.00, as and from the 8th October, 1925.

b Mr. Fallis appointed by Order-in-Council 5th November, 1925; Mr. J. B. Dixon having died 13th October, 1925, Mr. Morphy acted from death of Mr. Dixon to appointment of Mr. Fallis.

c Mr. Thompson appointed by Order-in-Council 15th May, 1925; Mr. E. S. Smith having died 10th March, 1925, Mr. McPherson acted from death of Mr. Smith to appointment of Mr. Thompson.

the Province of Ontario for the year ending December 31, 1925.—*Continued.*

Total earnings and salary in all offices	Total office disburse- ments	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Master during the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c. 2,527 94	\$ c. 998 41	\$ c. 1,529 53	\$ c.	\$ c. 1,529 53 1,000 00	\$ c. 11 50	\$ c.	Peel.
2,457 31	.....	2,457 31	757 31	1,700 00	.....	.....	.....
3,046 42	1,418 07	1,628 35	.....	1,628 35	.....	2,351 60	.....
3,560 77	1,240 60	2,320 17	.....	2,320 17 1,000 00	.....	.....	Perth.
3,492 24	500 00	2,992 24	.....	2,992 24	.....	.....	.....
6,136 88	1,871 50	4,265 38	532 69	3,732 69	.....	5,408 95	.....
2,418 09	991 49	1,426 60	.....	1,426 60 1,000 00	.....	.....	Peterborough.
267 50	109 60	157 90	.....	157 90	.....	.....	.....
2,350 87	1,263 32	1,087 55	.....	1,087 55	.....	.....	.....
5,320 83	718 80	4,602 03	701 01	3,901 02	.....	3,006 15	.....
1,639 38	523 59	1,115 79	.....	1,115 79 1,000 00	..... 55 30	.....	Prescott and Russell.
2,419 96	444 23	1,975 73	.....	1,975 73	.....	.....	.....
2,790 55	609 75	2,180 80	.....	2,180 80	.....	1,236 15	.....
1,487 00	148 55	1,338 45	.....	1,338 45 1,000 00	.....	.....	Prince Edward.
1,614 97	412 00	1,200 97	.....	1,200 97	.....	.....	.....
2,757 48	998 00	1,759 48	.....	1,759 48	.....	1,125 00	.....
2,934 08	642 45	2,291 63	.....	2,291 63 1,000 00	.....	.....	Rainy River.
1,858 40	.....	1,858 40	.....	1,858 40	.....	.....	.....
1,404 20	586 40	817 80	.....	817 80	.....	474 40	.....

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
			\$ c.	\$ c.
RENFREW: Pembroke...	Sheriff	Alex. Morris	2,727 29	
	Surrogate Judge	Judge McNamara		1,000 00
	Local Master	" "		
	Crown Attorney	J. H. Burritt, K.C.	1,626 24	
	Clerk of the Peace	" "		
	Local Registrar	J. M. Beatty	2,421 30	600 00
	County Court Clerk	" "		
SIMCOE: Barrie	Surrogate Registrar	" "		
	Sheriff	D. H. MacLaren	3,544 06	
	Surrogate Judge	Judge Vance		1,000 00
	Local Master	J. R. Cotter	48 15	
	Crown Attorney	" "	3,401 39	
	Clerk of the Peace	" "		
	Local Registrar	John Mackay	1,768 95	750 00
STORMONT, DUNDAS AND GLENGARRY: Cornwall	County Court Clerk	" "		
	Surrogate Registrar	E. A. Little	5,645 72	
	Sheriff	W. R. Mack	3,030 03	
	Surrogate Judge	Judge O'Reilly		1,000 00
	Local Master	" "		
	Crown Attorney	J. G. Harkness	2,688 20	
	Clerk of the Peace	" "		
SUDBURY: Sudbury	Local Registrar	A. I. Macdonell	5,394 80	750 00
	County Court Clerk	" "		
	Surrogate Registrar	" "		
	Sheriff	Alex. Irving	4,608 10	1,100 00
	Surrogate Judge	Judge Kehoe		1,000 00
	Local Master	" "		
	Crown Attorney	R. R. McKessock, K.C.	5,844 95	250 00
TEMISKAMING: Haileybury ..	Clerk of the Peace	" "		
	Local Registrar	J. D. Shipley	2,779 66	600 00
	District Court Clerk	" "		
	Surrogate Registrar	" "		
	Sheriff	Geo. Caldbick	4,556 25	1,000 00
	Surrogate Judge	Judge Hartman		1,000 00
	Local Master	" "		
THUNDER BAY: Port Arthur ..	Crown Attorney	F. L. Smiley	1,974 59	250 00
	Clerk of the Peace	" "		
	Local Registrar	T. J. Meagher	2,112 70	600 00
	District Court Clerk	" "		
	Surrogate Registrar	" "		
	Sheriff	W. A. Thompson	5,220 72	1,000 00
	Surrogate Judge	Judge Kenny		1,000 00
	Local Master	" "		
	Crown Attorney	D. J. Cowan	2,149 43	200 00
	Clerk of the Peace	" "		
	Local Registrar	Keith Munro	3,610 35	600 00
	District Court Clerk	" "		
	Surrogate Registrar	" "		

a Mr. Harkness' fees were commuted at \$2,830.00 per annum from 4th August, 1925; the above amount of \$2,688.20 includes his salary, and he paid to Provincial Treasurer, \$547.74.

b A. W. Thompson died 12th January, 1926.

c D. J. Cowan appointed pro tem. 17th November, 1925, W. F. Langworthy having resigned.

the Province of Ontario for the year ending December 31, 1925.—*Continued.*

Total earnings and salary in all offices	Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Master during the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
2,727 29	668 49	2,058 80		2,058 80			Renfrew
				1,000 00	35 80		
1,626 24	480 00	1,146 24		1,146 24			
3,021 30	581 40	2,439 90		2,439 90		1,902 75	
3,544 05	2,355 11	1,188 95		1,188 95			Simcoe.
				1,000 00	48 15		
3,449 54	576 45	2,873 09		2,873 09			
2,518 95	180 00	2,338 95		2,338 95			
5,645 72	1,000 00	4,645 72	722 86	3,922 86		5,713 25	
3,030 03	836 53	2,193 50		2,193 50			Stormont, Dundas and Glengarry.
				1,000 00	80 40		
2,688 20	149 75	2,538 45		2,538 45			
6,144 80	1,009 70	5,135 10	1,021 59	4,113 51		3,570 75	
5,708 10	2,500 59	3,207 51		3,207 51			Sudbury.
				1,000 00	57 30		
6,094 95	2,161 18	3,933 77	216 88	3,716 89			
3,379 66	480 00	2,899 66	39 96	2,859 70		837 30	
5,556 25	2,100 59	3,455 66		3,455 66			Temiskaming.
				1,000 00	16 60		
2,224 59	883 29	1,341 30		1,341 30			
2,712 70	555 00	2,157 70		2,157 70		1,051 85	
6,220 72	2,096 88	4,123 84		4,123 84			Thunder Bay.
				1,000 00	18 50		
2,349 43		2,349 43		2,349 43			
4,210 35	59 50	4,150 85	475 43	3,675 42		1,661 40	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
			\$ c.	\$ c.
VICTORIA:				
Lindsay.....	Sheriff.....	A. E. Vrooman.....	1,253 50	
	Surrogate Judge.....	Judge Swayze.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	J. E. Anderson.....	3,418 33	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	A. T. Porter.....	3,281 50	675 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
WATERLOO:				
Kitchener....	Sheriff.....	^a H. G. Lackner.....	3,778 07	
	Surrogate Judge.....	Judge Hearn.....		1,000 00
	Local Master.....	J. J. A. Weir.....	68 80	
	Crown Attorney.....	D. S. Bowlby.....	4,376 40	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	C. H. Mills.....	2,571 75	675 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	^b J. M. Scully.....	4,835 93	
WELLAND:				
Welland.....	Sheriff.....	V. L. Davidson.....	4,290 82	
	Surrogate Judge.....	Judge Livingstone.....		1,000 00
	Local Master.....	" ".....		
	Crown Attorney.....	T. D. Cowper, K.C.....	4,282 51	
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	J. E. Cohoe.....	7,325 05	800 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
WELLINGTON:				
Guelph.....	Sheriff.....	A. S. Allan.....	3,248 07	
	Surrogate Judge.....	Judge Spotton.....		1,000 00
	Local Master.....	W. H. Kingston, K.C.....	465 07	
	Local Registrar.....	" ".....	5,684 13	300 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		
	Crown Attorney.....	J. M. Kearns.....	4,868 47	
	Clerk of the Peace.....	" ".....		
WENTWORTH:				
Hamilton.....	Sheriff.....	J. T. H. Regan.....	10,897 86	
	Surrogate Judge.....	Judge Gauld.....		1,000 00
	Local Master.....	" ".....		
	" ".....	Judge Evans.....	1,000 00	
	Crown Attorney.....	^c G. W. Ballard.....	5,348 13	5,000 00
	Clerk of the Peace.....	" ".....		
	Local Registrar.....	H. C. Gwyn, K.C.....	13,633 65	750 00
	County Court Clerk.....	" ".....		
	Surrogate Registrar.....	" ".....		

^a H. G. Lackner died 4th December, 1926; W. A. Kribs appointed by Order-in-Council January, 1926; Mr. D. S. Bowlby acted from date of Mr. Lackner's death to date of appointment of Mr. Kribs.

^b J. M. Scully died 25th June, 1925; Mr. E. H. Scully appointed by Order-in-Council 23rd December, 1925; Mr. D. S. Bowlby acted from date of death of Mr. J. M. Scully to date of appointment of Mr. E. H. Scully.

^c G. W. Ballard's fees are commuted at \$5,000.00.

the Province of Ontario for the year ending December 31, 1925.—*Continued.*

Total earnings and salary in all offices	Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Master during the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
1,253 50	287 04	966 46		966 46			Victoria.
				1,000 00			
3,418 33	528 11	2,890 22		2,890 22	38 55		
3,956 50	1,620 21	2,336 29		2,336 29		2,582 50	
3,778 07	1,469 19	2,308 88		2,308 88			Waterloo.
				1,000 00			
68 80		68 80		68 80			
4,376 40	955 40	3,421 00		3,421 00			
3,246 75	645 75	2,601 00	10 10	2,590 90			
4,835 93	1,353 42	3,482 51	146 50	3,336 01		5,121 43	
4,290 82	2,027 52	2,263 30		2,263 30			Welland.
				1,000 00			
4,282 51	1,042 00	3,240 51		3,240 51	42 80		
8,125 05	1,260 00	6,865 05	2,578 54	4,286 21		4,317 50	
3,248 07	885 56	2,362 51		2,362 51			Wellington.
				1,000 00			
6,449 20	969 90	5,479 30	912 81	4,566 49		4,758 80	
4,868 47	641 00	4,227 47	363 73	3,863 74			
10,897 86	4,923 40	5,974 46		5,974 46			Wentworth.
				1,000 00			
					256 30		
10,348 13	1,739 05	8,609 08	3,609 08	5,000 00			
14,383 65	3,677 00	10,706 65	6,035 98	4,670 67		12,904 85	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1925	Salary paid by Province
YORK:				
Toronto.....	Sheriff	A. McCowan	\$ 26,398 42	c.
	Surrogate Judge.....	Judge Coatsworth.....	2,600 00	.....
	“ “	Judge Morson	1,600 00	.....
	“ “	Judge Denton	1,600 00	.....
	“ “	Judge Widdifield.....	1,600 00	.....
	“ “	Judge Tytler	1,000 00	.....
	“ “	Judge O'Connell.....	1,000 00	.....
	Crown Attorney.....	^a E. N. Armour, K.C.....	3,900 59	7,500 00
	Clerk of the Peace.....	H. E. Irwin, K.C.....	15,850 02	.....
TORONTO:	County Court Clerk.....	Thos. V. Gearing.....	20,115 90	.....
	Surrogate Registrar.....	A. F. Wallis.....	39,235 32	.....
	Sheriff	R. A. Pyne.....	49,947 14	.....

^a E. N. Armour's fees are commuted at \$7,500.00.

the Province of Ontario for the year ending December 31, 1925.—*Concluded.*

Total earnings and salary in all offices	Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer.	Amount of fees earned by Local Master during the year	Fees collected for Pro- vince in Law Stamps	County or District
\$ c.	\$ c.	\$ c.	\$ c.	3 c.	\$ c.	\$ c.	
26,398 42	13,335 56	13,062 86	5,906 58	7,156 28			York.
.....	.....	.....	.....	2,600 00	.....	.....
.....	.....	.....	.....	1,600 00	.....	.....
.....	.....	.....	.....	1,600 00	.....	.....
.....	.....	.....	.....	1,600 00	.....	.....
.....	.....	.....	.....	1,000 00	.....	.....
.....	.....	.....	.....	1,000 00	.....	.....
11,400 00	11,400 59	3,900 59	7,500 00	
.....	2,261 50	8,588 52	2,544 26	6,044 26	.....	.....
20,115 90	8,751 00	11,364 90	6,628 41	4,736 49	.....	.....
39,235 32	6,833 81	32,401 51	25,561 36	6,840 15	.....	62,427 75
.....	
49,947 14	27,775 25	22,171 89	14,104 71	8,067 18	Toronto.

Statement respecting Police Magistrates

Police Magistrates, Province of Ontario, 1925.

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices
			\$ c.	\$ c.	\$ c.	\$ c.
Adams, E. E.	Prescott.....	Grenville.....	1,500 00	253 95	2,458 00	1,020 40
Anderson, S. T.	Comber.....	Essex.....				
Andrews, S. J.	Clinton.....	Huron.....			57 00	
Arnold, S. B.	Chatham.....	Kent.....	1,000 00	17 40	125 00	805 90
Arthurs, E.	Espanola.....	Algoma.....	1,000 00	160 45	731 00	270 00
Armstrong, M.	Markdale.....	Grey.....				
Atkinson, S.	Haileybury.....	Cochrane, Temiskaming, Nipissing and Algoma.....	3,600 00	931 34	3,572 00	2,643 75
Ball, A. S.	Woodstock.....	Oxford.....				
Barr, W. J.	Burlington.....	Halton.....			295 00	54 20
Beaman, W. D.	Essex.....	Essex.....				
Bedford, H. R.	Deseronto.....	Hastings.....			181 00	
Blake, J. R.	Galt.....	Waterloo, Brant	1,600 00		1,440 00	842 50
Bond, F.	Port Dover.....	Norfolk.....				
Bradbury, J. R.	Blind River.....	Algoma.....			167 00	
Bradford, J.	Lindsay.....	Vic. & Hal'ton.	1,200 00	28 55	613 00	321 75
Bradshaw, J. W.	Kingston.....	Frontenac.....	1,200 00	68 45	1,846 50	670 25
Bridgewater, J. T.	Dresden.....	Kent.....				
Bristow, E. J.	Bright.....	Oxford.....				
Broughton, J. D.	Parry Sound.....	Parry Sound.....	1,920 00	77 85	1,074 00	390 85
Brown, E. B.	Victoria Harb'r.	Simcoe.....				
Browne, R. J.	City Hall, Toronto.....	See Toronto Police Court returns.				
Brodie, D. M.	Sudbury.....	Sud. & Algoma.	2,100 00		2,040 00	567 75
Brunton, T. H.	57 Adelaide St. E., Toronto.....	York.....			2,478 00	371 70
Burgess, C. H.	Port Credit.....	Peel.....			20 00	
Burrill, R. W.	Caledon, East.....	Peel.....				
Butcher, W. R.	St. Mary's.....	Perth.....				
Callwood, H.	Tilbury.....	Essex.....			380 00	
Campbell, J. H.	St. Catharines.....	Linc. & Welland	1,000 00	27 25	1,639 00	668 87
Campbell, W. A.	Port Hope.....	Nor. & Dur.			2,110 20	
Carscallen, A. B.	Wallaceburg.....	Kent & Lamb'n	1,000 00	50 15	23 00	254 80
Casement, R. R.	Madoc.....	Hastings.....			270 00	
Chown, S. T.	Renfrew.....	Ren. & Nipiss'g.	2,500 00	270 95	881 50	294 50
Clark, G. H.	Orillia.....	Simcoe & Ont.	1,800 00	23 75	466 00	146 25
Clark, Jos.	Ridgeway.....	Welland.....			25 00	
Clark, W. J.	Pickering.....	Ontario.....			505 00	
Cline, C. H.	Cornwall.....	Stor., D. & Glen.	1,700 00	335 40	1,614 00	777 40
Cockburn, J. D.	Sturgeon Falls.....	Nipissing.....			505 00	
Cohen, J.	City Hall, Toronto.....	See Toronto Police Court returns.				
Colville, Neil.	Orono.....	Nor. & Dur.				
Cook, Frank.	Midland.....	Simcoe.....	400 00		5 00	31 25
Coutts, John.	Thamesville.....	Kent.....				
Craig, David.	Arnprior.....	Renfrew.....			50 00	
Crawford, R.	Brampton.....	Peel.....			22 30	
Creasor, A. D.	Owen Sound.....	Grey.....	1,500 00	32 77	516 00	254 75
Cummings, W. R.	Eastview.....	Carleton.....				
Davidson, D.	Mimico Beach.....	Tor. & Ham.				
Depew, J. E.	White River.....	Highway.....	2,100 00	1,141 81	3,334 00	6,649 90
Eady, R. W.	Renfrew.....	Algoma.....	2,500 00	373 71	209 00	350 93
Eager, Wm.	Morrisburg.....	Renfrew.....				
Elliot, A.	Sault Ste. Marie	Stor., D. & Glen.				
Ersine, W. T.	Rockland.....	Algoma.....			30 00	
		Russell.....			130 00	

Police Magistrates, Province of Ontario—*Continued*

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
Falconer, H. . . .	Shelburne	Dufferin	800 00	129 10	166 20	305 00
Farrell, J. M. . . .	Kingston	Frontenac			65 00	
Farnsworth, H. . . .	Huntsville	Muskoka			84 71	
Floyd, W. H. . . .	Cobourg	Nor. & Dur. . . .	1,200 00	256 40	3,115 85	1,257 75
Fox, F. J.	Wheatley	Kent				
Fraser, Alex. . . .	Niagara Falls	Welland			362 00	
Fry, J. S.	Dundas	Wentworth			135 00	
Goodwin, John . . .	Welland	Welland			225 00	
Gorman, H.	Sarnia	Lambton			250 00	
Gover, H.	Coldwater	Simcoe & Musk. . .	500 00		325 06	63 67
Graydon, A. H. . . .	London	Middlesex			435 00	211 40
Greig, J. C.	Seaforth	Huron				
Gundy, W. E. . . .	Windsor	Essex				
Gunton, R. E. . . .	Simcoe	Norfolk	2,000 00	24 75	180 00	883 30
Hall, Robt.	Ridgetown	Kent			25 00	
Halpin, P. K.	Prescott	Grenville				
Hamilton, T. L. . . .	Listowel	Perth			50 00	
Hamilton, Wm. . . .	Uxbridge	Ontario			283 00	
Hare, G. W.	Tillsonburg	Oxford			10 00	
Hawkshaw, C. W. . .	Lucan	Middlesex			425 00	
Hellyer, A.	Kenilworth	Wellington	1,000 00	152 75	419 75	458 70
Hewson, W. H. . . .	Penetang'ehene . . .	Simcoe & Musk. . .	500 00	4 80	50 00	32 50
Hind, A. F.	Oshawa	Ontario			964 00	
Hogg, W. A.	Collingwood	Simcoe & Grey . . .	600 00	58 25	245 00	94 25
Hollands, C. J. . . .	Fort Frances	Rainy River	2,000 00	124 50	565 00	496 35
Hopewell, C.	Ottawa	Carleton			869 00	
Hunt, F.	St. Thomas	Elgin			180 00	
Jakeman, W. A. . . .	Bethany	Nor. & Dur.				
Jarman, G. L.	Bancroft	Hastings	1,200 00	244 60	449 75	267 49
Jarvis, J. J.	Mooretown	Lambton				
Jeffs, C.	Barrie	Simcoe	1,000 00	19 41	885 00	108 60
Jelfs, G. F.	Hamilton	Wentworth			102 00	
Jones, J. E.	City Hall, Toronto	See Toronto Police Court returns.				
Jones, S. A.	Brantford	Brant				
Jones, Thos.	Forest	Lambton				
Jordan, G. A.	Minden	Haliburton	1,200 00	28 95	124 00	125 40
Joynt, Wm.	Ottawa	Carleton	2,000 00		1,387 00	657 50
Kidd, W. W.	Grimsby	Lincoln			270 00	
Kinney, J. A.	Kenora	Kenora	400 00		106 00	38 50
Kirkland, J. T. . . .	Almonte	Lanark	300 00	63 80	140 00	96 75
Laidlaw, Wm.	Durham	Grey			75 00	
Langley, O. A. . . .	Peterborough	Peterborough . . .	1,000 00	77 60	445 00	193 15
Lawlor, H. W. . . .	Hawkesbury	Prescott	1,000 00		751 00	293 50
Lloyd, J. L.	Northbrook	Lennox & Add. . . .	300 00	10 80	115 00	71 90
Macartney, Jno . . .	Warton	Bruce	1,875 00	425 40	100 00	497 35
Mackay, J. T. . . .	Sault Ste. Marie . . .	Algoma	2,500 00	215 18	577 50	172 50
Major, F. W.	Gore Bay	Manitoulin	1,800 00	1,048 45	370 00	133 75
Makins, J. A.	Stratford	Perth	1,000 00	232 15	538 00	301 60
Malkin, W. T. . . .	Bridgeburg	Welland	500 00		125 00	264 45
Massie, J. C.	Dunnville	Hald. & Welland . .	3,500 00	1,069 42	1,001 50	1,620 65
Masson, S.	Belleville	Hastings			1,675 00	
Matheson, R. A. . . .	Eganville	Renfrew				
Maxwell, C. F. . . .	St. Thomas	Elgin	1,000 00	128 59	825 00	485 95

a Mr. McNab died. The amount of his travelling expenses and fines and fees are included in the amounts opposite Mr. Macartney's name. Mr. Macartney was given additional salary at \$125.00 per month for his duties in County of Bruce, Order-in-Council, 2nd June, 1925.

b W. W. Kidd resigned by Order-in-Council, 4th December, 1925. The amount of fines received from him during the year was \$270.00. Now deceased.

Police Magistrates, Province of Ontario—*Continued*

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
Mead, F. J. . . .	Winnipeg. . . .	Patricia. . . .				
Miller, A. O. . .	Avonmore. . . .	Stor., D.&Glen. .				
Moore, H. P. . .	Acton.	Halton, Peel & Wellington. . .	2,500 00	103 80	412 28	448 80
Morrison, P. J. .	Glencoe.	Middlesex. . . .			1,598 00	
Mott, W. S. (<i>ex-officio</i>). . .	Judge Juvenile Court.	90 Albert St., Toronto. . . .				
Myers, J. G. . . .	Bracebridge. . .	Muskoka.	600 00	11 40	366 00	108 55
McArthur, C. . .	Burk's Falls. . .	Parry Sound. . .	500 00	17 00	474 00	114 25
McCormick, W. .	Amherstburg. . .	Essex.				
McDougall, D. P.	Maxville. . . .	Stor., D.&Glen. .				
McGaughey, C. .	North Bay. . . .	Nipissing.	1,500 00	91 45	744 00	223 00
McKay, S. G. . .	Ailsa Craig. . .	Middlesex. . . .			20 00	
McNeely, J. S. L.	Perth.	Lanark.				
O'Brien, W. W. .	Port Arthur. . .	Thunder Bay. . .	1,200 00	45 90	865 00	249 35
O'Connor, J. J. .	Port Arthur. . .	Thunder Bay, Algoma & Ken.	1,800 00	1,110 74	3,064 00	493 00
O'Rourke, T. A. .	Trenton.	Hastings.			215 00	
Page, J. A. . . .	Brockville. . . .	Leeds & Gren. . .	1,000 00	41 10	975 85	272 15
Palling, Wm. . .	Fort William. . .	Thunder Bay. . .	800 00		1,127 00	164 00
Paterson, J. L. .	Ingersoll.	Oxford.	1,600 00	208 90	1,000 00	422 66
Patterson, Dr. M. .	City Hall, Toronto. . .	See Toronto Police Court returns.				
Patterson, W. W.	Paris.	Brant.			50 00	
Payne, G. A. . .	Campbellford. . .	Nor. & Dur. . . .			45 00	
Peacock, Wm. . .	Alexandria. . . .	Stor., D.&Glen. .			697 50	
Peden, A. R. G. .	Carleton Place. .	Lanark.				
Pinkerton, J. B. .	Elgin.	Leeds & Gren. . .				
Poulin, B. R. . .	L'Orignal.	Prescott.			203 00	
Preston, D. K. .	Newboro.	Leeds & Gren. . .				
Pronger, R. H. .	Dryden.	Kenora.	1,000 00	27 75	130 00	59 50
Purdy, E. H. . .	Port Perry. . . .	Ontario.			105 00	
Rankin, Wm. . .	Napanee.	Lennon & Add. . .				
Ray, G. R. . . .	Moose Factory. .	Cochrane.			20 00	
Reid, C. A. . . .	Goderich.	Huron.	2,500 00	152 35	364 85	601 75
Ruttan, G. F. . .	Napanee.	Lennon & Add. . .	1,200 00	21 00	1,210 00	815 61
Scott, W. W. . .	Moorefield. . . .	Wellington. . . .				
Shields, J. H. . .	Oakville.	Halton.			1,441 00	
Smart, J. H. . . .	Kingsville. . . .	Essex.				
Smith, W. A. . .	Sandwich.	Essex.	2,000 00		1,862 25	2,844 55
Sparham, B. E. .	Smith's Falls. . .	Lanark.			224 00	
Stewart, J. C. . .	Pembroke.	Renfrew.			334 00	
Stewart, Wm. . .	Pelee Island. . .	Essex.	300 00			8 50
Stoddart, Thos. .	Copper Cliff. . .	Sudbury.	3,000 00	164 35	1,529 00	776 99
Taylor, Chas. . .	Drumbo.	Oxford.				
Telford, John. .	Hanover.	Grey.				
Thistlethwaite, F. W.	Vankleek Hill. . .	Prescott.				
Trefry, G. H. . .	Otterville.	Oxford.				
Trim, Chas. . . .	Milverton.	Perth.			19 00	
Trueman, R. M. .	Strathroy.	Middlesex. . . .				
Tucker, E. R. . .	Cochrane.	Cochrane, Algoma and Thunder Bay	3,000 00	658 40	636 00	808 00

Police Magistrates, Province of Ontario—*Concluded*

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
Toronto Police Court.....	Toronto.....				4,376 00	
Vance, J. F.	Hamilton.....	Wentworth....	1,500 00		4,735 00	1,295 00
Vaughan, A. C.	Sioux Lookout..	Kenora.....				
Ward, W. F.	Bowmanville...	^a Durham.....			1,465 00	
Watt, F.	Guelph.....	Wellington....	600 00		555 00	258 75
Weegar, S.	North Bay....	Nipissing.....			35 00	
Weir, J. J. A. ...	Kitchener.....	Waterloo.....			669 00	
Whittington, J.	Blenheim.....	Kent.....			685 00	
Wholehan, T. ...	Chesterville...	Stor., D. & Glen.			10 00	
Williams, L.	Picton.....	Prince Edward.			230 00	
Willis, J. E.	Whitby.....	Ontario.....			1,323 00	
Wills, F. J., <i>pro tem</i>	Belleville.....	Hastings.....				
Woodrow, C. S.	Sarnia.....	Lambton.....	1,500 00	78 10	117 00	385 35
Woodman, A. C.	Drayton.....	Wellington....				
Zapfe, F. T.	Parkhill.....	Middlesex.....	1,500 00	1 85	5 00	36 30
	Totals.....		50,175 00	10,815 62	85,185 00	36,526 37

^a Mr. Ward was appointed by Order-in-Council, 27th April, 1925. The fines shown opposite his name include \$95.00 collected by Mr. Horsey, former Police Magistrate.

Statement Respecting Division Courts

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1925, inclusive, showing:—

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgments and Judgment summonses	Balance of Cash in Court from the previous year.	Total amount of Suits' Money paid into Court	Total amount of Suits' Money paid out of Court	Balance of Cash in Court.	Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments	Bailiff's Returns of Emoluments	Unclaimed monies in pursuance of Section 43, D.C.A.
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
ALGOMA.....	1	1132	57,834 36	344 79	27,083 95	27,276 70	152 04	271 54	3,357 70	1,206 77	6 00
	2	50	3,219 89	21 50	1,518 12	1,539 62	.....	.....	169 13	157 90	.....
	3	67	3,929 91	.....	1,860 26	1,860 26	.....	.....	174 35	171 55	.....
	6	26	2,172 69	.....	431 55	411 55	20 00	.....	117 15	100 00	.....
	7	194	10,618 56	10 00	3,856 71	3,817 96	38 75	.....	545 20	172 50	.....
BRANT.....	1	878	61,028 93	539 54	22,018 77	22,223 13	335 18	295 25	3,476 25	1,774 25	6 00
	2	83	4,864 28	.....	1,783 57	1,783 57	.....	.....	306 10	291 58	.....
	3	19	1,649 67	.....	1,156 58	1,156 58	.....	.....	71 80	49 50	.....
	4	72	3,766 51	7 00	2,080 53	2,080 53	7 00	.....	263 55	181 25	.....
	5	8	325 66	5 91	441 08	446 99	.....	.....	47 60	.....	.....
BRUCE.....	1	140	7,352 20	.....	3,500 00	3,500 00	.....	.....	478 96	291 12	.....
	2	83	4,864 28	.....	1,783 57	1,783 57	.....	.....	306 10	45 00	.....
	3	66	4,473 34	92 87	2,386 74	2,386 21	93 40	.....	324 70	215 94	.....
	4	56	2,447 22	.....	1,685 18	1,685 18	.....	.....	178 90	91 20	.....
	5	88	6,685 72	.....	4,148 78	4,148 78	.....	.....	360 08	261 03	.....
	7	45	2,187 19	.....	1,299 25	1,299 25	.....	.....	192 90	45 00	.....
	8	158	9,352 24	84 12	4,130 05	4,208 77	5 40	.....	617 98	409 51	.....
	9	26	2,083 61	20 80	1,206 77	1,227 57	.....	.....	113 90	70 95	.....
	10	53	3,653 92	.....	896 59	759 88	136 71	.....	245 47	.....	.....
	11	81	3,740 26	.....	2,269 21	2,269 21	.....	.....	228 55	220 85	.....
	12	86	5,702 99	.....	1,528 86	1,528 86	.....	.....	251 30	202 70	.....
CARLETON.....	1	3834	216,145 51	1,620 42	40,133 90	39,766 20	1,988 12	{ 538 70 } { 6,768 85 }	15,491 80	9,387 00	.....
	2	66	4,448 38	.....	5,191 12	5,191 12	.....	.....	270 50	400 14	.....
	3	44	3,948 59	.....	2,472 86	2,472 86	.....	.....	168 31	164 54	.....
	4	31	2,977 64	.....	727 86	727 86	.....	.....	149 50	143 50	.....
	5	32	1,699 53	.....	1,198 36	1,198 36	.....	.....	123 00	123 00	.....
	6	59	3,674 42	.....	2,980 47	2,956 86	23 61	.....	222 35	210 38	.....
	7	1427	27,320 40	355 07	14,854 48	15,062 58	146 97	701 06	5,036 86	2,375 11	32 58

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1925, inclusive, showing:—*Continued*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of judgments and judgment summonses.	Amount of claims entered, exclusive of Transcripts of judgments and judgment summonses	Balance of Cash in Court from the previous year.		Total amount of Suits Money paid into Court		Total amount of Suits Money paid out of Court		Balance of Cash in Court.		Surplus Fees payable to the Hon. the Provincial Treasurer		Clerk's Returns of Emoluments		Bailiff's Returns of Emoluments		Unclaimed monies in pursuance of Section 43, D.C.A.
				\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	
HALDIMAND.....	1	90	4,767 85	\$92 51	80 75	1,800 75	1,853 12	1,853 12	540 14	540 14	.....	.....	.....	376 07	210 00	.....	.....	.....
	2	67	3,854 03	.....	61 11	1,932 61	1,891 11	1,891 11	41 50	41 50	.....	.....	.....	144 68	76 30	.....	.....	.....
	3	284	17,788 23	423 33	7,436 09	7,436 09	7,695 13	7,695 13	164 27	164 27	.....	.....	.....	490 33	686 51	.....	.....	.....
	4	101	6,695 22	145 77	2,305 54	2,305 54	2,448 86	2,448 86	2 45	2 45	.....	.....	.....	490 33	289 94	.....	.....	.....
	5	21	1,494 94	.....	922 36	922 36	917 56	917 56	4 80	4 80	.....	.....	.....	88 55	75 00	.....	.....	.....
HALIBURTON.....	1	45	2,563 71	.....	893 37	893 37	893 37	893 37	.....	.....	.....	.....	.....	139 62	184 85	.....	.....	.....
	2	102	5,137 20	85 74	1,353 96	1,353 96	1,420 32	1,420 32	19 38	19 38	.....	.....	.....	350 53	278 92	.....	.....	.....
	3	50	2,616 84	.....	926 38	926 38	926 38	926 38	.....	.....	.....	.....	.....	203 62	197 10	.....	.....	.....
	4	No business	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
HALTON.....	1	156	9,429 58	7 17	3,657 63	3,657 63	3,629 12	3,629 12	35 68	35 68	.....	.....	.....	537 40	382 19	.....	.....	.....
	2	182	10,008 01	.....	5,166 65	5,166 65	5,166 65	5,166 65	.....	.....	.....	.....	.....	637 53	256 80	.....	.....	.....
	3	187	8,339 94	62 65	3,996 46	3,996 46	3,942 32	3,942 32	116 68	116 68	.....	.....	.....	597 47	253 60	.....	.....	.....
	4	80	4,158 51	131 31	2,070 11	2,070 11	2,045 35	2,045 35	156 07	156 07	.....	.....	.....	372 10	100 35	.....	.....	.....
	5	15	1,212 63	.....	729 25	729 25	729 25	729 25	.....	.....	.....	.....	.....	72 26	45 43	.....	.....	.....
	6	310	18,717 92	606 84	12,128 49	12,128 49	12,725 33	12,725 33	10 00	10 00	.....	.....	.....	1,114 74	767 73	.....	.....	.....
HASTINGS.....	1	712	35,200 06	1,284 86	13,342 54	13,342 54	13,337 42	13,337 42	1,289 98	1,289 98	235 78	.....	.....	3,178 90	1,580 32	4 28	.....	.....
	2	30	1,450 87	144 79	1,258 52	1,258 52	1,295 31	1,295 31	108 00	108 00	.....	.....	.....	205 25	273 35	.....	.....	.....
	3	12	705 51	.....	356 43	356 43	335 10	335 10	21 33	21 33	.....	.....	.....	37 30	.....	.....	.....	.....
	4	131	4,372 51	.....	2,985 25	2,985 25	2,985 25	2,985 25	.....	.....	.....	.....	.....	377 61	475 45	.....	.....	.....
	5	98	5,105 64	11 15	3,223 75	3,223 75	3,206 90	3,206 90	28 00	28 00	.....	.....	.....	367 86	270 35	.....	.....	.....
	6	164	11,052 31	375 57	5,347 01	5,347 01	5,671 35	5,671 35	51 03	51 03	.....	.....	.....	608 20	407 70	.....	.....	.....
	7	49	1,468 96	.....	956 48	956 48	911 48	911 48	45 00	45 00	.....	.....	.....	149 31	139 92	.....	.....	.....
	8	99	5,269 82	.....	2,248 91	2,248 91	2,215 01	2,215 01	33 90	33 90	.....	.....	.....	370 00	186 33	.....	.....	.....
	9	312	12,064 52	57 53	6,515 36	6,515 36	6,500 29	6,500 29	72 60	72 60	.....	.....	.....	1,321 25	758 16	.....	.....	.....
	10	109	5,197 43	148 10	4,697 14	4,697 14	4,755 48	4,755 48	89 76	89 76	.....	.....	.....	358 45	.....	.....	.....	.....
	11	27	1,151 67	3 63	1,264 12	1,264 12	1,252 14	1,252 14	11 98	11 98	.....	.....	.....	93 00	308 22	.....	.....	.....
	12	189	9,242 34	164 02	3,434 95	3,434 95	3,591 97	3,591 97	7 00	7 00	.....	.....	.....	548 25	478 05	.....	.....	.....

HURON.....	1	1,977 48	1,707 25	1,707 25	1,707 25	200 18	234 38	281 23
	2	6,061 11	1,725 14	1,611 79	200 18	247 18	411 65	247 18
	3	4,512 02	1,950 09	1,919 88	30 21	100 01	232 20	100 01
	4	5,416 62	3,638 19	3,638 19		312 89	315 85	312 89
	5	3,522 13	2,287 96	2,267 79	33 30	241 80	263 35	241 80
	6	1,175 52	593 72	529 88	89 55	78 90	72 83	78 90
	7	1,061 50	160 64			49 33	49 33	48 90
	8	4,931 63	2,511 20	2,511 20		300 05	374 55	300 05
	9	5,349 61	4,826 92	4,826 92		249 20	225 20	249 20
	10	2,363 05	1,713 21	1,775 54		159 70	116 96	159 70
	11	2,062 97	1,169 52	1,169 52		196 55	140 20	196 55
	12	1,183 65	1,013 45	1,149 05		74 60	97 35	74 60
KENORA.....	1	20,332 78	10,293 22	9,972 91	707 98	1,675 50	1,675 50	615 16
	2	314 10	53 45	53 45		11 70	11 70	
	3	5,534 70	3,165 18	3,120 18	108 24	200 00	301 40	200 00
	4	6,514 15	3,996 94	3,654 81	540 44	376 95	376 95	
KENT.....	1	46,256 00	17,916 05	18,066 93	825 85	2,594 52	2,594 52	1,276 87
	2	12,331 54	7,410 17	7,505 05	194 88	648 00	749 00	648 00
	3	4,072 65	2,614 63	2,577 96	122 37	271 72	319 48	271 72
	4	16,096 65	10,951 52	10,901 27	139 61	615 05	953 85	615 05
	5	15,026 76	9,361 20	9,513 35	269 38	668 33	1,139 30	668 33
	6	4,573 26	1,257 09	1,257 09		269 50	106 51	269 50
	7	10,269 44	5,455 30	5,440 08	25 00	527 98	563 40	527 98
LAMBTON...	1	58,221 41	26,432 06	26,196 08	548 85	1,911 88	3,516 35	1,911 88
	2	2,900 19	2,119 29	2,145 98	4 10	182 97	144 60	182 97
	3	2,421 60	1,256 25	1,256 25		135 18	100 35	135 18
	4	2,398 23	2,105 04	2,105 04		143 45	202 86	143 45
	5	2,413 05	790 95	790 95		89 22	121 85	89 22
	6	2,584 83	751 27	686 27	65 00	47 15	86 10	47 15
	8	13,152 31	4,643 46	4,643 46		408 19	394 40	408 19
	9	2,064 66	1,888 09	1,888 09		134 54	107 27	134 54
LANARK.....	1	16,508 89	7,354 98	7,525 44	110 71	1,061 23	1,393 65	1,061 23
	2	6,570 23	5,264 11	5,235 82	110 19	313 15	346 50	313 15
	3	5,815 68	2,130 29	2,130 29		261 85	413 79	261 85
	4	21,087 80	10,443 35	10,447 50	28 42	777 87	1,431 90	777 87
	5	1,927 33	900 77	900 77		132 38	159 30	132 38
LEEDS AND GRENVILLE.....	1	25,309 03	13,383 22	13,340 31	49 98	1,083 47	1,958 10	1,083 47
	2	7,907 15	3,687 30	3,471 53	310 25	475 50	611 80	475 50
	3	11,595 51	3,777 83	3,967 68	16 68	255 65	496 30	255 65
	4	5,093 41	2,229 09	2,294 09	57 52	271 95	423 50	271 95

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1925, inclusive, showing:—*Continued*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of judgments and judgment summonses.	Amount of claims entered, exclusive of Transcripts of judgments and judgment summonses	Balance of Cash in Court from the previous year.		Total amount of Suits		Total amount of Suits		Balance of Cash in Court.		Surplus Fees payable to the Hon. the Provincial Treasurer		Clerk's Returns of Emoluments		Bailiff's Returns of Emoluments		Unclaimed monies in pursuance of Section 43, D.C.A.
				\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	
LEEDS AND GRENVILLE— <i>Continued</i>	5	58	3,570 59	.....	.....	1,871 17	17	1,871 17	17	.....	.....	.....	.....	177 95	95	112 20	20	.....
	6	149	10,676 11	.....	147 27	6,169 05	05	6,169 05	05	.....	.....	.....	.....	665 63	63	847 84	84	.....
	7	33	1,476 72	.....	10 00	671 03	03	671 03	03	10 00	00	.....	.....	94 46	46	93 54	54	.....
	8	82	4,390 70	.....	65 70	2,546 21	21	2,546 21	21	.....	.....	.....	.....	376 42	42	334 85	85	.....
	9	70	3,873 19	.....	.....	3,251 68	68	3,236 30	30	15 38	38	.....	.....	268 80	80	348 53	53	.....
	10	17	1,175 64	.....	11 90	138 01	01	138 01	01	11 90	90	.....	.....	60 26	26	.....	.....	.....
	11	12	829 40	.....	.....	440 57	57	440 57	57	.....	.....	.....	.....	30 21	21	40 95	95	.....
	12	45	1,881 91	.....	.....	971 48	48	971 48	48	.....	.....	.....	.....	152 86	86	146 55	55	.....
	1	278	11,475 52	.....	86 56	5,504 39	39	5,563 45	45	27 50	50	.....	.....	904 10	10	557 14	14	.....
	2	23	1,247 78	.....	.....	320 92	92	280 92	92	40 00	00	.....	.....	66 08	08	81 75	75	.....
	3	19	610 00	.....	.....	506 55	55	506 55	55	.....	.....	.....	.....	57 55	55	22 35	35	.....
	4	10	521 43	.....	.....	258 47	47	258 47	47	.....	.....	.....	.....	36 60	60	23 10	10	.....
LENNOX AND ADDINGTON	5	22	1,449 74	.....	56 46	611 58	58	667 54	54	50	00	.....	.....	92 55	55	57 30	30	.....
	6	15	804 19	.....	.....	546 80	80	546 80	80	.....	.....	.....	.....	47 75	75	26 30	30	.....
	7	45	2,883 24	.....	.....	1,321 28	28	1,321 28	28	.....	.....	.....	.....	230 50	50	142 24	24	.....
	8	44	1,981 50	.....	.....	1,159 54	54	1,159 54	54	.....	.....	.....	.....	121 00	00	130 00	00	.....
	9	10	481 79	.....	.....	172 14	14	172 14	14	.....	.....	.....	.....	39 63	63	26 95	95	.....
	1	50	2,524 81	.....	.....	2,074 30	30	2,074 30	30	.....	.....	.....	.....	154 95	95	193 49	49	.....
	2	1023	68,559 55	.....	453 18	26,312 63	63	26,312 63	63	401 14	14	580 88	88	4,436 25	25	2,559 95	95	9.80
	3	124	8,190 30	.....	29 30	4,443 89	89	4,472 54	54	65	00	.....	.....	473 30	30	487 17	17	.....
	4	103	6,228 70	.....	193 03	5,277 57	57	5,370 60	60	100 00	00	.....	.....	527 70	70	602 48	48	.....
	5	217	16,390 27	.....	77 67	6,319 01	01	6,331 90	90	64 78	78	.....	.....	1,115 15	15	682 28	28	.....
MANITOULIN	1	47	2,708 60	.....	.....	2,427 23	23	2,284 63	63	142 60	60	.....	.....	135 75	75	251 42	42	.....
	2	60	4,459 09	.....	.....	2,112 10	10	2,055 86	86	56 24	24	.....	.....	162 30	30	172 00	00	.....
	3	22	2,554 89	.....	.....	219 68	68	208 98	98	10 70	70	.....	.....	122 26	26	44 45	45	.....
MIDDLESEX	1	1842	93,010 71	.....	.....	48,402 25	25	46,440 50	50	5,105 93	93	253 10	10	6,675 19	19	3,405 64	64	14 32
	2	169	9,475 48	.....	1 20	5,709 97	97	5,649 97	97	61 20	20	.....	.....	487 30	30	495 98	98	.....

3	39	2,324 38	26 00	1,732 84	1,732 84	26 00	110 50	298 65
4	56	3,401 32		1,580 21	1,580 21		269 29	463 82
5	167	11,776 33	20 80	5,392 63	5,382 87	30 56	609 45	141 63
6	71	4,368 22		2,264 90	2,264 90		204 85	294 37
7	64	4,733 64	223 89	2,247 20	2,344 80	126 29	251 84	114 14
8	23	935 43		395 46	395 46		93 00	1,799 21
9	1038	50,716 69	3,358 43	18,316 31	19,352 59	2,322 15	3,389 57	2 00
1	150	8,968 10		4,358 59	4,358 58		434 53	369 15
2	37	1,861 75	98 50	1,654 19	1,624 93	127 76	187 95	102 50
3	70	3,328 14	57 89	1,944 26	1,944 26	57 89	278 69	207 59
1	473	17,660 85	42 43	8,651 19	8,592 74	100 88	1,011 85	1,100 10
2	39	2,440 33	44 75	1,771 29	1,757 86	58 18	135 45	153 15
3	681	41,466 49		11,805 08	11,805 08		2,670 85	1,604 24
1	535	27,682 49	209 65	12,514 96	12,601 08	123 53	1,929 57	1,498 41
2	82	3,956 66		1,673 64	1,432 43	241 21	280 28	198 95
3								
4	57	3,403 04		2,108 38	2,035 95	72 43	208 01	113 67
5	10	336 66	5 00	357 05	353 60	3 45	49 90	56 78
6	96	5,535 07		3,273 60	3,273 60		364 50	277 81
7	66	2,866 49		943 52	906 00	37 52	263 21	197 03
8	75	2,863 72	19 10	1,292 62	1,276 62	35 10	190 67	91 55
1	192	8,700 74	1,029 56	4,786 64	5,811 20	5 00	678 39	386 31
2	43	2,341 11	1 00	949 84	907 77	43 07	218 36	160 90
3	218	9,670 81	174 12	6,044 49	6,212 38	6 23	625 05	505 88
4	53	3,067 02		2,653 25	2,571 92	96 08	172 11	121 00
5	290	10,500 00		4,000 00	3,613 11	386 89	900 00	
6	25	1,197 57		1,247 85	1,247 85		153 98	121 65
7	95	4,902 17	140 40	2,563 70	2,535 87	168 23	405 55	267 45
8	137	6,824 00	6 75	2,288 31	2,174 31	120 75	554 70	377 95
9	66	3,085 13		2,627 63	2,627 63		222 63	225 40
10	18	355 73		275 73	274 73	1 00	63 27	72 05
11	228	10,579 26	235 65	6,522 58	6,600 96	157 26	800 99	449 74
1	768	39,654 13	274 08	12,078 83	12,153 24	199 67	3,323 65	2,366 35
2	94	5,864 64	42 87	3,874 14	3,761 01	156 00	286 76	501 83
3	70	4,050 00		3,242 98	3,242 98		250 15	358 22
4	58	3,407 51	116 30	2,130 08	2,229 72	16 66	276 16	201 17
5	53	4,665 07		635 42	635 42		227 00	127 85
6	30	1,809 22		2,390 30	2,390 30		158 20	128 15
7	41	1,844 09	5 00	1,065 96	1,025 96	45 00	125 00	

MUSKOKA.

NIPISSING.

NORFOLK.

NORTHUMBERLAND AND
DURHAM.

ONTARIO.

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1925, inclusive, showing:—Continued

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgment summonses	Balance of Cash in Court		Total amount of Sutors' Money paid into Court	Total amount of Sutors' Money paid out of Court	Balance of Cash in Court.		Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments		Bailiff's Returns of Emoluments		Unclaimed monies in pursuance of Section 43, D.C.A.
				\$	c.	\$	\$	\$	c.	\$	\$	c.	\$	c.	\$
OXFORD.	1	619	32,596 31	122 44	15,083 32	15,080 99		124 77	138 43		2,692 15		1,277 48		
	2	54	2,757 17	124 99	1,577 87	1,752 52		50 34			250 00		124 55		
	3	324	1,497 61										366 00		
	4	165	7,979 98	86 61	5,998 58	5,261 19		174 00			611 50		546 40		
	5	255	12,105 61	617 29	6,448 56	6,796 61		269 24			895 55		380 00		
	6	191	10,905 03		5,688 45						824 13		528 50		
	7	26			1,893 52	1,893 52					96 77		44 70		
PARRY SOUND.	1	266	12,741 86	230 92	5,295 19	5,161 48		364 63			961 25		863 55		
	2	11	1,166 31		262 90	262 90					41 20		25 00		
	3	12	726 46		423 21	383 54		39 67			43 70		52 55		
	4	102	7,406 10	38 00	4,161 82	4,014 33		185 49			316 70		298 58		
	5	14	1,095 76		314 74	314 74					51 87		56 30		
	6	43	3,019 75	2 45	906 38	908 83					186 60		283 26		
	7	86	7,512 48		1,396 14	1,396 14					330 45		223 75		
PEEL.	1	92	7,050 26		3,454 75	3,454 75					436 40		299 25		
	2	124	7,563 02		4,768 08	4,768 08					400 73		381 47		
	3	46	3,508 12		1,842 59	1,842 59					192 00		241 32		
	4	43	2,715 06		2,058 57	2,058 57					154 97		147 70		
PERTH.	1	750	37,987 94	218 92	15,943 93	15,713 91		448 94	176 61		2,883 07		1,674 71		
	2	159	9,971 94		6,149 99	6,149 99					560 95		465 54		
	3	270	15,016 63	5 00	6,597 75	6,597 75					834 65		607 36		
	4	7	402 96		150 66	150 66					26 75		16 85		
	5	73	5,148 45		3,926 74	3,926 74					314 10		242 00		
	6	336	24,229 35	50 20	17,980 33	18,020 53		10 00			1,451 30		1,100 06		
PETERBOROUGH.	1	620	34,657 74	24 73	14,385 60	14,366 05		44 28	49 06		2,245 30		1,287 67		
	2	45	2,511 95	147 36	1,412 56	1,546 92		13 00			137 86		90 35		
	3	38	3,059 23		1,948 35	1,948 35					175 92		78 64		

PRESCOTT AND RUSSELL.....	4	101 01	165 57	16 50	21 25
	5	4,184 59	2,348 81	380 19	243 00
	6	83 87	337 91	12 83	10 50
	1	2,488 78	1,562 66	139 25	80 90
	2	2,994 50	2,132 67	180 23	89 71
	3	1,197 26	1,038 64	83 15	67 75
PRINCE EDWARD.....	4	4,012 93	2,067 46	254 36	337 74
	5	2,071 48	1,037 56	139 85	156 04
	6	7,576 74	3,929 29	391 60	264 73
	7	10,853 55	5,487 65	873 38	478 80
	8	3,562 39	1,430 04	199 69	298 89
	9	3,274 57	1,588 52	275 65	250 00
	10	11,060 03	5,079 42	659 25	437 73
	11	5,576 79	3,302 15	357 38	371 25
	1	15,592 32	6,060 12	1,355 09	905 55
	2	780 10	121 58	135 15	134 65
	3	635 86	357 94	70 40	76 70
RAINY RIVER.....	4	992 46	35 56	130 78	100 40
	5	3,150 13	2,747 77	253 38	177 65
	6	507 98	144 27	79 83	29 05
	7	1,750 00	850 54	127 57	134 73
	8	342 71	155 75	65 30	64 25
	1	21,506 46	7,457 38	1,352 85	596 92
	2	3,573 93	1,453 98	238 02	282 11
	3	2,484 29	1,478 49	144 75	242 75
RENFREW.....	1	28,270 60	9,830 30	1,673 82	1,296 53
	2	763 24	557 36	43 53	52 30
	3	21,357 93	7,960 41	1,380 25	706 95
	4	12,948 49	7,617 80	987 35	532 66
	5	6,288 19	2,625 19	313 90	419 42
	6	3,624 75	1,262 07	1,858 84	94 05
	7	6,606 52	3,335 59	377 34	506 87
SIMCOE.....	1	20,518 00	16,907 00	2,254 05	1,893 94
	2	5,868 27	2,653 86	425 35	285 04
	3	5,186 60	3,932 86	197 70	207 90
	4	7,095 20	3,002 07	400 55	196 68
	5	4,359 97	1,852 56	225 20	273 39
	6	41,326 23	23,704 93	3,026 35	1,108 03
	7	4,248 93	1,878 81	265 90	235 75

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1925, inclusive, showing:—Continued

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgments and Judgment summonses	Balance of Cash in Court from the previous year.	Total amount of Suits' Money paid into Court	Total amount of Suits' Money paid out of Court	Balance of Cash in Court.	Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments	Bailiff's Returns of Emoluments	Unclaimed monies in pursuance of Section 43, D.C.A.
<i>SIMCOE—Continued.</i>	8	126	7,874 48	\$ 61 05	\$ 4,602 43	4,295 76	367 72	.....	407 07	484 70	.....
	9	775	30,881 86	837 59	20,137 71	20,261 97	713 33	154 63	2,773 15	1,922 94	.....
	10	121	6,099 10	.....	2,363 42	2,340 67	22 75	.....	593 60	285 00	.....
<i>STORMONT, DUNDAS AND GLENGARRY.</i>	1	73	3,592 69	.....	2,519 12	2,519 12	.....	.....	255 00	217 27	.....
	2	190	11,306 88	18 05	8,088 83	7,956 21	150 67	.....	655 66	568 70	.....
	3	585	23,837 96	14 39	13,244 66	13,138 25	120 80	.....	1,996 55	1,318 02	.....
	4	50	3,498 83	.....	1,967 94	1,967 94	.....	.....	212 75	258 64	3 92
	5	120	6,491 72	343 00	3,520 53	3,795 77	68 24	.....	390 62	310 66	.....
	6	82	4,500 00	22 52	2,137 62	2,093 51	66 63	.....	298 05	141 15	.....
	7	61	3,610 77	13 88	2,394 64	2,133 52	275 00	.....	244 30	316 69	.....
	8	89	5,876 57	7 50	3,950 05	3,886 65	70 90	.....	231 55	225 35	.....
	9	82	5,888 07	.....	2,495 09	2,495 09	.....	.....	332 90	200 00	.....
	10	190	12,190 43	31 57	6,351 35	6,320 43	62 49	.....	536 85	557 50	.....
	11	74	6,090 38	180 00	3,518 55	3,459 16	239 39	.....	264 90	266 60	.....
	12	124	6,454 97	39 84	3,995 61	3,995 61	39 84	.....	459 13	234 02	.....
<i>SUDBURY.</i>	1	1072	85,098 00	2,760 89	28,062 39	26,917 03	3,906 25	862 00	5,376 25	3,008 22	49 90
	2	71	3,994 70	161 85	1,978 53	1,884 50	94 03	.....	521 51	443 98	.....
	3	123	6,297 75	473 16	2,362 85	2,628 67	207 34	.....	351 03	281 50	26 20
	4	51	4,931 83	.....	2,937 20	2,937 20	.....	.....	231 95	408 78	.....
	5	58	4,487 61	8 50	566 95	566 95	8 50	.....	184 42	55 80	.....
<i>TEMISKAMING.</i>	1	629	44,740 17	795 96	18,920 38	19,666 26	50 08	186 23	2,931 16	1,890 78	.....
	2	594	43,119 30	22 57	14,054 86	14,060 73	16 70	176 80	2,884 15	1,804 26	.....
	3	235	16,781 07	11 45	9,703 65	9,751 84	63 26	.....	814 75	756 18	.....
	4	214	15,507 19	48 08	8,932 79	8,604 26	376 61	.....	1,128 14	932 00	.....
<i>THUNDER BAY.</i>	1	721	43,027 01	.....	15,846 39	15,629 99	216 40	72 23	2,361 15	1,722 18	.....
	3	740	57,785 22	742 17	23,008 01	22,229 37	1,457 81	145 82	2,729 15	1,924 26	.....

VICTORIA.....	1	29	2,420 77	1,122 26	1,122 26	104 26	55 55
	2	38	4,391 60	958 37	979 66	136 26	192 82
	3	40	2,098 79	1,606 28	1,601 48	120 65	50 92
	4	21	1,493 84	1,056 26	1,056 26	94 15	567 65
	5	532	17,741 90	7,085 40	7,072 47	951 53	34 00
	6	15	1,156 49	506 83	508 88	43 14	139 18
	7	32	3,200 00	496 80	496 80	120 55	38 15
WATERLOO.....	1	1417	161,251 25	32,702 94	32,587 42	4,278 00	2,329 87
	2	237	10,698 59	6,044 17	6,044 17	888 45	438 75
	3	544	23,265 08	9,218 98	9,185 55	1,759 75	776 60
	4	77	5,341 04	2,037 17	2,037 17	220 90	425 33
	5	82	3,803 57	2,211 26	2,241 26	226 25	148 65
	6	82	4,993 20	2,259 16	2,240 16	281 20	349 52
	7	10	438 22	866 03	856 03	35 95	38 15
WELLAND.....	1	1068	58,211 84	30,162 67	29,975 75	4,561 08	2,540 86
	2	48	3,366 06	1,514 24	1,514 24	223 15	989 32
	3	229	14,031 28	5,647 06	5,706 09	755 65	1,840 08
	4	595	35,873 93	7,556 51	7,159 24	2,465 86	427 95
	5	176	8,570 93	3,964 73	3,939 51	687 05	989 21
	6	381	24,744 32	17,385 83	17,281 71	1,814 44	1,865 05
	7	1187	53,814 77	25,374 76	25,143 83	3,691 15	1,865 05
WELLINGTON.....	1	16	803 78	436 30	436 30	111 98	75 00
	2	13	731 74	51 15	51 15	56 60	30 90
	3	128	6,309 33	4,153 64	4,162 14	525 34	252 46
	4	45	2,216 64	23 15	1,038 49	167 35	146 63
	5	49	2,660 50	1,533 49	1,533 03	108 20	108 86
	6	57	2,581 80	2,502 89	2,502 89	279 25	248 65
	7	145	7,214 27	3,791 96	3,871 34	361 70	236 25
	8	117	8,778 44	5,399 59	5,399 59	467 80	409 80
	9	118	7,456 07	3,689 36	3,707 37	462 93	376 70
	10	1187	100,086 86	29,661 97	29,716 52	6,111 85	3,711 33
	11	1819	132,253 44	44,410 28	44,952 99	8,054 12	3,885 55
WENTWORTH.....	1	1468	100,086 86	29,661 97	29,716 52	6,111 85	3,711 33
	2	190	12,657 84	5,836 08	5,675 82	668 35	632 38
	3	98	4,544 62	3,839 40	3,841 61	392 60	325 25
	4	52	3,409 30	2,236 67	2,236 67	218 00	266 04
	5	88	88	2,387 18	2,362 93	260 00	85 00
	6	Abolished					
	7	1819	132,253 44	44,410 28	44,952 99	8,054 12	3,885 55
	8	1819	132,253 44	44,410 28	44,952 99	8,054 12	3,885 55

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1925, inclusive, showing:—*Concluded*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgments and Judgment summonses	Balance of Cash in Court from the previous year.		Total amount of Suits' Money paid into Court		Total amount of Suits' Money paid out of Court		Balance of Cash in Court.	Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emolu-ments		Bailiff's Returns of Emolu-ments		Unclaimed monies in pursuance of Section 43, D.C.A.
				\$	c.	\$	c.	\$	c.			\$	c.	\$	c.	
YORK.....	1	6381	529,844 50	3,310 27	102,406 01	101,814 09	3,902 19	1,281 00	26,675 00	13,404 97	79 43					
	2	70	5,096 94		3,905 80	3,905 80		15,156 25	311 40	312 40						
	3	154	10,376 11	2 32	3,831 80	3,756 02	75 78		653 53	547 71						
	4	198	14,278 99	164 68	8,264 77	8,395 64	33 81		951 01	1,008 13						
	5	54	3,583 55	181 30	1,370 75	1,216 90	335 15		268 63	198 40						
	6	161	10,157 24	64 73	5,262 57	5,301 15	26 15		612 45	484 57						
	7	41	2,437 67	15 00	1,219 37	1,229 37	5 00		151 65	133 49						
	8	1397	84,346 41	183 05	22,452 82	22,162 53	473 34	17 34	6,027 05	4,173 45	9 00					
	9	350	19,782 14	38 62	8,093 31	8,072 50	59 43	1,060 82	1,623 23	1,314 90						
	10	4764	319,107 41	3,943 28	70,793 10	72,362 62	2,373 76	746 07	20,354 30	10,730 36						
	11	259	11,927 65		2,446 93	2,296 20	150 73	10,415 50	740 97	512 90						
Totals.....	83,730	5,063,406 87	46,420 19	2,006,301 39	2,001,963 18	52,947 93	49,869 33									612 87

Statement Respecting Registrars of Deeds

Statement showing the earnings, disbursements, net incomes, etc., of Registrars of Deeds for

No.	Registry Division	Where Office Situate	Registrar	Gross earnings
				\$ c.
1	Algoma.....	Sault Ste. Marie....	H. J. Moorhouse.....	3,923 73
2	Brant.....	Brantford.....	Alex. Graham.....	5,553 20
3	Bruce.....	Walkerton.....	W. H. McFarlane.....	4,697 75
4	Carleton.....	Ottawa.....	A. E. Hunt.....	6,212 16
5	Dufferin.....	Orangeville.....	F. J. Patterson.....	2,723 85
6	Dundas.....	Morrisburg.....	R. J. Dillen.....	1,422 85
7	Durham, E.....	Port Hope.....	W. H. Scott.....	1,465 15
8	Durham, W.....	Bowmanville.....	Miss J. A. Pollard.....	1,788 90
9	Elgin.....	St. Thomas.....	J. H. Coyne.....	6,168 93
10	Essex.....	Sandwich.....	J. O. Reaume.....	38,720 25
11	Fort William.....	Fort William.....	aJ. E. Swinburne.....	6,433 12
12	Frintenac.....	Kingston.....	W. J. Gibson.....	2,473 50
13	Glengarry.....	Alexandria.....	J. A. McRae.....	1,979 96
14	Grenville.....	Prescott.....	W. S. Johnston.....	1,503 00
15	Grey, North.....	Owen Sound.....	G. P. Creighton.....	4,097 25
16	Grey, South.....	Durham.....	A. H. Jackson.....	2,792 05
17	Haldimand.....	Cayuga.....	W. H. Howard.....	3,289 50
18	Haliburton.....	Minden.....	bA. W. Fleming.....	1,114 90
19	Halton.....	Milton.....	V. Chisholm.....	5,542 85
20	Hastings.....	Belleville.....	cR. J. S. Dewar.....	6,725 45
21	Huron.....	Goderich.....	Wm. Coats.....	5,631 80
22	Kenora.....	Kenora.....	dMrs. E. A. Cunningham.....	3,392 05
23	Kent.....	Chatham.....	J. B. Clark.....	8,470 55
24	Kingston.....	Kingston.....	J. P. Gildersleeve.....	2,793 40
25	Lambton.....	Sarnia.....	A. MacLean.....	11,029 74
26	Lanark, North.....	Almonte.....	H. C. Bowland.....	1,349 15
27	Lanark, South.....	Perth.....	Jas. Armour.....	1,849 85
28	Leeds.....	Brockville.....	eH. C. Smart, acting.....	3,434 05
29	Lennox and Addington.....	Napanee.....	G. S. Reid.....	2,847 20
30	Lincoln.....	St. Catharines.....	C. E. Fisher.....	10,794 99
31	London.....	London.....	R. H. Dignan.....	8,273 25
32	Manitoulin.....	Gore Bay.....	fC. C. Platt.....	1,744 15
33	Middlesex, East and North.....	London.....	Miss M. V. Walker.....	7,356 95
34	Middlesex, West.....	Glencoe.....	R. Dunlop.....	1,882 70
35	Muskoka.....	Bracebridge.....	gC. E. Lount.....	4,232 70
36	Nipissing.....	North Bay.....	hJ. M. Deacon.....	5,967 09
37	Norfolk.....	Simcoe.....	W. M. McGuire.....	4,662 90
38	Northumberland, East.....	Colborne.....	A. G. Willoughby.....	2,698 40
39	Northumberland, West.....	Cobourg.....	H. McCullough.....	1,666 00
40	Ontario.....	Whitby.....	G. W. Dryden.....	7,902 10
41	Ottawa.....	Ottawa.....	J. P. Fisher.....	10,989 45
42	Oxford.....	Woodstock.....	W. L. MacWhinnie.....	6,156 05
43	Parry Sound.....	Parry Sound.....	C. Gillespie.....	1,658 35
44	Peel.....	Brampton.....	F. J. Jackson.....	5,807 55
45	Perth, North.....	Stratford.....	Jas. Steel.....	4,923 65
46	Perth, South.....	St. Mary's.....	G. D. L. Rice.....	1,808 85
47	Peterborough.....	Peterborough.....	W. F. Morrow.....	6,321 75
48	Port Arthur.....	Port Arthur.....	aJ. M. Munro.....	4,869 15
49	Prescott.....	L'Orignal.....	H. M. Mooney.....	2,778 07
50	Prince Edward.....	Pictou.....	J. H. Holmes.....	2,002 35
51	Rainy River.....	Fort Frances.....	aW. J. Keating.....	4,010 54
52	Renfrew.....	Pembroke.....	R. A. Campbell.....	4,404 15
53	Russell.....	Russell.....	J. A. Gamble.....	2,126 45
54	Simcoe.....	Barrie.....	R. J. Sanderson.....	11,731 18
55	Stormont.....	Cornwall.....	J. C. Alguire.....	2,970 70
56	Sudbury.....	Sudbury.....	S. Fournier.....	6,346 58
57	Temiskaming.....	Haileybury.....	jL. H. Ferguson.....	19,996 96
58	Toronto.....	Toronto.....	kThos. Crawford.....	107,881 20

the year ending 31st December, 1925, and the sums payable under Section 101 of *The Registry Act*.

Disbursements	Net Income	Percentage under Sec. 101	Net for Registrar	INSTRUMENTS			No.
				Number registered	Number uncopied	Number copied but not compared	
\$ c.	\$ c.	\$ c.	\$ c.				
2,057 83	1,865 90	36 59	1,829 31	1,653	4		1
1,790 00	3,763 20	681 60	3,081 60	2,882			2
2,838 00	3,142 10	371 05	2,771 05	2,638			3
3,833 37	2,378 79	125 76	2,253 03	2,590			4
411 75	2,312 10	112 42	2,199 68	1,230			5
700 00	722 85		722 85	747			6
540 00	925 15		925 15	606			7
844 25	904 65		904 65	825	18		8
1,984 32	4,184 61	892 30	3,292 31	2,851			9
11,546 47	27,173 78	20,856 41	6,317 37	17,679	232		10
2,858 89	3,574 23	587 12	2,987 11	1,477			11
475 00	1,998 50	49 85	1,948 65	1,036	42		12
900 00	1,079 96		1,079 96	926			13
500 00	1,003 00		1,003 00	711			14
2,126 48	1,970 77	47 07	1,923 70	3,123			15
773 78	2,018 27	54 75	1,963 52	1,276			16
1,018 54	2,270 96	104 19	2,166 77	1,578			17
	1,114 90		1,114 90	370			18
2,060 75	3,482 10	541 05	2,941 05	2,474			19
3,074 64	3,650 81	625 40	3,025 41	2,901			20
2,143 00	3,488 80	544 40	2,944 40	2,804			21
946 55	2,445 50	139 10	2,306 40	145			22
3,472 00	4,998 55	1,299 27	3,699 28	4,187	19	19	23
1,222 83	1,570 57	7 05	1,563 52	1,237			24
4,316 00	6,713 74	2,442 37	4,271 37	5,044	70	251	25
300 00	1,049 15		1,049 15	595	10		26
700 00	1,149 85		1,149 85	856			27
721 25	2,712 80	213 84	2,498 96	1,711			28
1,000 00	1,847 20	34 72	1,812 48	1,110	194	26	29
5,044 40	5,750 59	1,675 30	4,075 29	4,101	1636		30
2,523 00	5,750 25	1,675 12	4,075 13	4,352			31
794 55	949 60		949 60	481	19	6	32
1,804 85	5,552 10	1,576 05	3,976 05	3,457	89	89	33
600 00	1,282 70		1,282 70	848	3		34
2,237 00	1,995 70	49 57	1,946 13	1,159	143		35
5,490 00			3,000 00	1,418			36
1,900 00	2,762 90	228 87	2,534 03	2,120			37
730 00	1,968 40	46 85	1,921 55	1,133			38
480 00	1,186 00		1,186 00	648	8		39
3,990 00	3,912 10	750 05	3,156 05	3,613			40
6,398 50	4,590 95	1,095 47	3,495 48	4,796	170		41
3,112 00	3,044 05	322 02	2,722 03	2,893	868		42
150 00	1,508 35	83	1,507 52	653			43
1,958 50	3,849 05	724 50	3,124 55	2,732	350	375	44
1,178 85	3,744 80	672 40	3,072 40	2,528	22		45
927 00	881 85		881 85	833			46
1,521 00	4,800 75	1,200 37	3,600 38	2,827	4	2	47
1,899 30	2,969 85	290 95	2,678 90	1,132			48
484 35	2,293 72	108 74	2,184 98	1,165			49
116 90	1,885 45	38 55	1,846 90	910	115		50
900 00	3,110 54	355 27	2,755 27	32	6		51
1,620 00	2,784 15	235 24	2,548 91	2,127			52
850 00	1,276 45		1,276 45	952	54		53
4,354 88	7,376 30	3,038 67	4,337 63	5,108			54
1,225 00	1,745 70	24 57	1,721 13	1,425			55
2,574 16	3,772 42	686 21	3,085 93	598			56
125 56	581 14	90 57	490 57				57
12,085 40			3,000 00	123			58
67,914 51			8,000 00	52,380	4,189	1,256	

Statement showing the earnings, disbursements, net incomes, etc., of Registrars of Deeds for
—Con

No.	Registry Division	Where Office Situate	Registrar	Gross earnings
				\$
59	Victoria.....	Lindsay.....	C. D. Barr.....	3,444 15
60	Waterloo.....	Kitchener.....	O. S. Eby.....	11,025 00
61	Welland.....	Welland.....	E. E. Fraser.....	17,987 83
62	Wellington, North.....	Arthur.....	Jas. Tucker.....	2,559 00
63	Wellington, South & Centre.....	Guelph.....	H. Hortop.....	5,429 20
64	Wentworth.....	Hamilton.....	R. K. Hope.....	30,493 83
65	York, East and West.....	Toronto.....	J. W. Mallon, K.C.....	44,147 02
66	York, North.....	Newmarket.....	R. L. Boag.....	3,952 65

*a*Land Titles Office included.

*b*Includes \$200.00 paid by the Province.

*c*R. J. S. Dewar appointed by Order-in-Council 18th May, 1925, Mr. T. N. Johnson having died 22nd March, 1925.

*d*Mrs. E. A. Cunningham appointed by Order-in-Council 28th April, 1925, Mr. C. W. Chadwick having died 23rd March, 1925; Land Titles Office included.

*e*N. O. Kilpatrick died 7th September, 1925, Miss H. C. Smart, acting.

*f*Land Titles Office included; also \$600.00 salary paid by the Province.

*g*C. E. Lount appointed by Order-in-Council 27th January, 1926, Mr. C. E. Lount having died 17th July, 1925; Land Titles Office included.

*h*The fees of Land Titles Office included; Mr. Deacon and staff are paid direct by Provincial Treasurer.

*i*This covers the months of November and December, 1925, balance for fiscal year.

*j*Mr. Ferguson deducts the salaries of himself and staff from fees of office of Land Titles and Registry Offices, and sends the surplus to the Provincial Treasurer.

*k*Mr. Crawford deducts salaries of himself and staff and sends surplus to Provincial Treasurer.

*l*E. E. Fraser appointed by Order-in-Council, 1925, Mr. J. C. Crow having died 10th June, 1925.

the year ending 31st December, 1925, and the sums payable under Section 101 of *The Registry Act*.
tinued

Disburse- ments	Net Income	Percentage under Sec. 101	Net for Registrar	INSTRUMENTS			No.
				Number registered	Number uncopied	Number copied but not compared	
\$	\$	\$	\$				
1,434 50	2,009 65	51 93	1,957 72	1,580	.....	.....	59
4,896 25	6,128 75	1,915 87	4,212 88	5,536	591	.....	60
8,361 76	9,626 07	5,063 46	4,562 61	7,609	250	140	61
1,220 75	1,338 25	.....	1,338 25	1,259	10	100	62
2,063 00	3,366 20	483 10	2,883 10	2,561	.....	.....	63
17,300 00	13,193 83	8,274 45	4,919 38	14,893	.....	.....	64
20,271 00	23,876 02	17,797 11	6,078 91	21,671	1,502	142	65
1,500 00	2,452 65	140 53	2,312 12	1,817	.....	.....	66

Statement Respecting Land Titles Offices

STATEMENT RE LOCAL MASTERS OF TITLE,

	Algoma	Elgin	Fort William	Kenora	Manitoulin
1. Number of applications for first registration entered.....	0	0	1	2	0
2. Number of special applications entered.....	15	0	1	32	0
3. Number of freehold patents received.....	57	0	31	87	9
4. Number of freehold patents entered.....	57	0	31	87	9
5. Number of mining or other lease patents received	0	0	28	1	0
6. Number of mining or other lease patents entered.	0	0	28	1	0
7. Total number of instruments registered.....	524	22	750	800	41
	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
8. Total amount of assurance fees collected.....	101 03	.....	124 73	281 02	10 25
9. Total fees earned.....	1,655 69	81 07	3,172 15	3,049 60	101 95
Total assurance fees paid during the year in all offices.....	\$5,543 67				

PROVINCE OF ONTARIO, 1925

Muskoka	Nipissing	Ottawa	Parry Sound	Port Arthur	Rainy River	Sudbury	Temiskaming	Toronto	Whitby
1	2	2	1	1	4	0	0	5	.....
1	136	1	6	26	1	6	11	15	.....
44	49	0	100	40	45	87	590	0	.....
44	48	0	100	40	45	87	585	0	.....
0	57	0	0	11	3	29	99	0	.....
0	54	0	0	11	3	29	94	0	.....
354	1,325	850	563	386	1,052	1,300	4,529	14,258	.....
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	.....
72 38	132 55	.....	176 73	67 15	1,591 27	175 97	1,813 44	997 15	.....
1,549 70	3,203 04	2,294 85	2,944 77	1,953 10	3,941 74	5,234 78	19,996 96	43,419 90	.....

INSPECTION OF DIVISION COURTS

The total number of claims entered in the courts for the year was 83,730, while the amount sued for was \$5,063,406.27.

The amount of suitors' moneys actually paid into court totalled \$2,006,301.39. It has to be borne in mind that these figures by no means represent the full collecting powers of the Court, inasmuch as a larger proportion of the suits entered are settled by the parties out of court, and of course no record of the amount appears in the return made to the Department.

The total revenue collected from the officials, as provided by *The Public Officers Fees Act*, amounted to \$49,869.33, being a decrease of \$1,991.33 compared with the preceding year. In addition to this there was collected \$612.87 in unclaimed moneys as provided by Section 43 of *The Division Courts Act*, making a total of \$50,482.20.

VACANCIES

Where vacancies occurred during the year through death, resignation or removal for improper conduct, they were filled as they occurred.

COMPLAINTS

The bulk of the complaints made against officials are, viz.,—neglect in making returns, withholding suitors' moneys, not notifying the parties when moneys are paid into court, taxing excessive costs, and neglect in not answering letters of suitors asking for information.

Prompt enquiry follows on every complaint made, and the correspondence on file will show the result of the enquiry in each case. If the complaint was of a serious nature an investigation was made on the ground.

ALTERATIONS IN DIVISIONS

During the year there were three new Division Courts established by the Division Court Board to be known as follows:

District of Thunder Bay:

2nd Division Court at Nakina.

4th Division Court at Schreiber.

5th Division Court at Nipigon.

Owing to the close proximity of the City of Hamilton, the Eighth Division Court of the County of Wentworth at Binbrook was abolished, and the territory added to the Ninth Division Court of Hamilton.

The duties of personal inspection and investigation of complaints occupy a great deal of time, and necessitate much and constant travelling throughout the wide extent of territory covered by the 340 Division Courts in the Province, which require to be visited and inspected.

Much complaint is made against Bailiffs for overholding warrants of commitment in their hands and delaying or refusing to enforce them within a reasonable time. Bailiffs doing so not only cause dissatisfaction with their conduct but incur great responsibility, and occasionally suffer for improper neglect by having to pay damages to the plaintiffs. When Bailiffs receive warrants they will be held responsible for enforcing them where possible, and will be required to use diligence to enable them to do so.

INSPECTION OF POLICE MAGISTRATES

There were forty-four Police Magistrates' Offices visited and the work checked up. It was found that the monthly returns were being made to the Department, and fines due and payable to the Province promptly remitted with one exception.

The Police Magistrate's Book, in which is entered from day to day a record of every information laid and penalties imposed, are in most instances being very well kept. Informations are properly indexed and numbered. The fines payable to the Provincial Treasurer are being properly entered in the column set apart for that purpose.

W. W. ELLIS,

Assistant Inspector of Legal Offices.

Observations, Directions, Opinions and Decisions Given by I. A. Humphries, Inspector, in reference to the various Offices

SHERIFFS

1. All searching in the Execution Book must be done by the Sheriff, his deputy or some one of his office staff. In some offices I found the Execution Book lying on the counter and anyone wishing to make a search examined the book himself. This is most improper.

2. Sheriffs should make a memorandum in their Execution Book of all proceedings taken in connection with each execution, from the time it reached his office. The book should show a complete record of everything done in connection with the execution. In a great many offices I find no entries made whatever and have to ask the Sheriff what had been done with the execution.

3. In matters under *The Creditors' Relief Act* where the Sheriff collects money and there are a great number of claimants, the Sheriff would be well advised to keep all moneys received in connection with each particular estate in a separate bank account.

COUNTY AND DISTRICT COURT CLERKS

1. All orders and judgments to be compared with original when copied and marked in the margin of the book, compared, and to be properly indexed in the name of both the plaintiff and defendant.

2. Certificates received from the Workmen's Compensation Board are orders of the Court and should be treated as such and copied in the Order Book and indexed.

3. Care should be taken to see that the proper endorsement, as provided by section 29 of chapter 135, is placed upon all discharges of chattel mortgages.

4. All judgments given by County Court Judges on appeals from Police Magistrates' decisions should be entered in the Judgment Book and indexed.

5. While there is at present no statutory provision for entering adoption orders and orders under *The Children of Unmarried Parents Act*, yet these orders are most important ones and should be entered in the Order Book and indexed.

6. Proceedings under *The Creditors Relief Act* seem to be rare, but in all such cases the Act provides that certain fees be paid in law stamps and the provisions of the Act should be complied with.

7. Care should be taken before filing any chattel mortgages, bills of sale or assignments of book debts, that each instrument presented for filing is accompanied by what purports to be an affidavit of execution and that the said instruments purport to be chattel mortgages, bills of sale or assignments of book debts within the meaning of the respective Statutes relating thereto.

LOCAL REGISTRARS, S.C.O.

1. All orders and judgments when copied in the Order and Judgment Books should be compared with the original and a note made in the margin of the book

that the same had been compared with the original and is a true copy and should be indexed under the name of the defendant as well as the plaintiff and a proper index kept up to date.

2. Proper records should be kept of all fees paid in law stamps for searches, etc., for mercantile agencies, and the proper law stamps affixed and cancelled covering all such fees earned.

3. I would suggest that all praecipes for trial and all praecipes setting down motions for hearing be kept in a separate file to enable a quick check on an inspection to be made to see that proper law stamps had been affixed thereto and properly cancelled.

4. Jury fees payable to the County or Province, as the case may be, should be paid promptly and proper receipts taken.

5. The provisions of Rule 515 and 516 and following should be carefully observed in the entering of all judgments.

6. Rule 396 should be followed in connection with the forwarding of all papers on appeals.

7. All naturalization fees are now to be included in the fees of the office. The Act provides that the fee of \$5.00 is to be paid by the applicant at the time of making the application, and the officer must include the fees for all applications made in the return of fees to the Inspector.

8. Commission on sale of law stamps are fees of the office and must be included in the return of fees made to the Inspector.

SURROGATE REGISTRARS

1. All proper law stamps should be affixed to the Order on Passing Accounts and the Orders should be filed. Other Law stamps in connection with the Audit to be affixed to the Audit Fee Sheet and filed.

2. All Orders issuing out of the Surrogate Court except Orders on Passing Accounts which are kept in a separate book for that purpose, should be entered in a book for Surrogate Orders and properly indexed.

3. All proper law stamps should be affixed and cancelled on all applications for Letters of Administration, Letters Probate, etc., before the Order issues.

4. It is good practice to keep a separate book in which to enter a record of certificates issued for registration purposes.

5. Surrogate Registrar should attend in all contested and contentious matters. Keep a docket similar to the docket kept in the County Court, enter all Judgments and Orders in the Surrogate Court Order and Judgment Book, and tax all costs.

6. A Procedure Book, similar to the Procedure Book kept in the County Court might also be kept.

MEMORANDUM RE SURROGATE COURT FEES

Tariff A.

Registrars fees, and Schedules "A" and "B" of the Surrogate Courts Act, except as modified by section 73 (1), (2) and (4), apply in all cases.

(1) *Estates that do not exceed \$400.00, section 73 (1).*

The fees are: Registrar, \$1.50; Judge, 50c., and Crown, 30c.

(2) *Estates that exceed \$400.00, but not exceeding \$1,000.00 (section 73 (2)).*

Whether the estate be all personalty, or all realty or mixed, the fees are computed in the same way as in any other estate not exceeding \$1,000.00, except

that the Judges and Registrars fees are halved, the Crown fees remaining the same, undivided.

The whole fees of the Judge, Registrar and Crown would be made up in this case according to the tariff in the ordinary way as large estates except as to items 8 and 11 of the Registrars Tariff "A," and the Judges and Crown fees which vary according to the value of the estate, and the totals of the Judges and Registrars fees would be halved.

(3) *Where the estate consists of insurance money, section 73 (4).*

The fees are governed by the provisions contained in subsection 4 of section 73, and by Order-in-Council dated May 9th, 1914, which provides that the division of the fees shall be one-quarter to the Judge and three-quarters to the Registrar.

(4) *Where the estate consists of assets in Ontario and assets out of Ontario.*

In *re* Pilkey 22 O.W.N., 1922, at page 248, this question was decided: What is the proper amount payable where an application is made for Letters of Administration of the estate of a person resident out of Ontario, but having property within Ontario, when the property within Ontario is less than \$400.00, but the estate, including the foreign assets, exceeded that amount?

It was held that the words "*the whole property*," as contained in section 73 (1), referred to foreign as well as Ontario assets, that the word "estate" used in item 11 of Tariff A for Registrars means the estate to which the Probate or Letters of Administration relate, being the whole Ontario estate, both real and personal.

In such cases, therefore, all fees should be computed on the whole property, both the Ontario and foreign assets, except as to items 8 and 11 of the Registrars Tariff A, and the Judges and Crown fees in Schedules "A" and "B," which should be computed on the property in Ontario only on the same basis as in cases where there are no foreign assets, the Judges and Registrars fees being halved in appropriate cases, e.g.:

If the value of the property in Ontario was \$400.00 and the value of the property outside Ontario \$12,000, all the fees would be computed on the whole estate both in Ontario and outside, according to the Tariff and the Schedules except that the Registrars fees under items 8 and 11 of Tariff A, and the Crown fees and Judges fees under the Schedules would be based on the value of the Ontario property only.

On that basis the several grant fees would be:

Registrar (under item 8).....	\$1 00
Registrar (under item 11).....	1 00
Judge (under Schedule B).....	2 00
Crown (under Schedule A).....	50

If the property in Ontario were under \$400.00, and the whole property both in Ontario and outside of Ontario exceeds \$400.00, but did not exceed \$1,000, that case would come within the half-fees rule as provided for in section 73 (2).

GENERAL

It should be noted that item 8 is based on "the personal property devolving," but in no case are the fees to exceed \$30.00.

Item 11 is based on the "estate," which term covers the whole property in Ontario, both real and personal.

The present Surrogate Court Tariff "A" Registrars fees came into force September 1st, 1916, with the new Rules adopted, and have Statutory effect from that time.

The promulgation of item 11 of the Registrars Tariff "A," and the meaning given to the word "estate" by the decision in *re Pilkey*, has, in my opinion, the effect of modifying the provisions of section 77.

Then came 10-11 George V, 1920, c. 33, whereby Judges fees are calculated on the value of the real and personal estate, and the Registrars fees on the value of the personal estate only, and not to exceed \$30.00 in any case.

RE FEES FOR CONTESTED CLAIMS IN THE SURROGATE COURT

1.—Registrar

Item 27	Receiving, examining and entering contestation of claim...	\$0 50
" 26	Filings, say 5.....	50
" 15	Administering oath to (say six witnesses) at 20c. each.....	1 20
" 24	Issuing two subpoenas.....	1 00
" 28	Attending on contestation of claim.....	1 00
" 28	Attending on any adjournment of contestation of claim.....	1 00
" 31	Entering judgment.....	50
" 32	Taxing costs and granting certificate.....	1 00
		<hr/> \$6 70

2.—Judge

Special attendance granting appointment to hear contestation of claim.	\$1 00
Appointment.....	50
Attending on contestation. (If claim or so much thereof as is contested does not exceed \$1,000, \$1.00 per hour, not to exceed \$2.00 on any one day.)	
(If claim or so much thereof as is contested exceeds \$1,000 but is under \$10,000, \$1.00 per hour, but not to exceed \$5.00 on any one day.)	
(If claim or so much thereof as is contested exceeds \$10,000 but is under \$50,000, \$1.50 per hour, but not to exceed \$6.00 on any one day.)	

These being the same fees as are allowed on an audit in an estate of a value equal to the amount of the claim or so much thereof as is contested.

3.—Crown.

Order finding amount due, say five folios.....	\$0 50
On every official judgment in contested or disputed cases.....	1 00
	<hr/>
	\$1 50

4.—Shorthand Reporters

The fees for shorthand reporters are covered by an Order-in-Council dated the 17th February, 1919.

Under this Order-in-Council the shorthand reporter would be entitled to receive \$8.00 per day for services at Court, and if he attended for seven hours on the first day I would consider that \$8.00 would be a proper charge for that day, and if he attended two hours on the second day, I would consider that \$4.00, or one-half day's pay, would be right.

I would say that the shorthand reporter's fees are properly chargeable in the bill of costs.

PRODUCTION OF ORIGINAL WILLS OUTSIDE OF ONTARIO

Is there any provision in the Rules or elsewhere whereby a Surrogate Court Registrar could produce an original will filed in the office and attend a Court in Buffalo with the same?

If simply for the purpose of proving the probate, it would appear that a certified copy under the hand and seal of the Court would be sufficient.

If, however, the litigation has reference to the original will itself and it is necessary that the original will be produced, then there is no provision whereby the original will or the original of any instrument or document filed in the office can be produced in a foreign country. In no case should any original instrument filed in the office be produced outside the Province. Originals are only produced within the Province by order of the Judge.

If it is necessary that the parties have originals produced, I would think the only way would be the issue of a commission, if the law of the particular State so provides.

BULK SALES ACT—FEE FOR FILING TRUSTEE BONDS

Subsection D of Section 33, 1917, Ontario Statutes, being *The Bulk Sales Act*, defines the word "Trustee," and in that definition he is stated to be a person appointed by a vendor to act as trustee who has lodged a bond marked "satisfactory" by the Judge, with the Clerk of the County Court.

This undoubtedly is a matter or proceeding before a County Court Judge, and it appears to me that Item 12 of the County Court Tariff would apply, and a charge of \$1.00 would be justified. If, however, a certificate is required to be given as to the lodging of this bond, an extra 50 cents for certificate, under Item 7, could be charged.

CLERK TO CERTIFY RECORD

It is the duty of the Clerk of the Court to certify upon a record that it is a true copy of the original pleadings.

FILING CHATTEL MORTGAGES AND ASSIGNMENT OF BOOK DEBTS, CLERK'S DUTY

I am of the opinion that a document purporting to be a chattel mortgage, but not accompanied by an affidavit of execution and an affidavit of bona fides, is not a chattel mortgage within the meaning of the Statute. Anyone who offers for filing such a document unaccompanied by these affidavits is not offering for registration a chattel mortgage, and the Clerk should not accept the same for registration. If he does, he is registering a document that is not a chattel mortgage and which he has no authority to register.

What would happen if this particular document unaccompanied by an affidavit of execution were accepted by a County Court Clerk and registered and the document happened to be forged? I am inclined to think that the Clerk could be held liable in damages.

The County Court Clerk should satisfy himself before registration that the document purports to be a chattel mortgage within the meaning of the Act, and is accompanied by what purports to be an affidavit of execution and an affidavit of bona fides.

The Clerk, however, should not be called upon to determine or satisfy himself as to the validity of the affidavits of execution or bona fides, as sometimes the Courts are called upon to determine as to the correctness of affidavits.

There are cases, however, where affidavits of execution are not required, as for example, chattel mortgages executed by officers of incorporated companies under the Corporate seal of the Company.

In reference to assignment of book debts offered for registration, the same opinion as above applies. The document is not an assignment of book debts within the meaning of the Act unless accompanied by affidavits of execution and bona fides, and the County Court Clerk should satisfy himself before registration that the document purports to be an assignment and that what purports to be an affidavit of execution and affidavit of bona fides is attached.

RE REFERENCE IN MORTGAGE ACTIONS WHERE MASTER HIMSELF IS A SUBSEQUENT ENCUMBRANCER

Where the Master is professionally concerned, it is sufficient ground for changing the reference.

Bigelow vs. Bigelow, 6 P.R., p. 124.

"Where the Master has been professionally concerned for any of the litigants in reference to the same or any other matter, that is a sufficient ground for changing the reference."

Cotter vs. Cotter, 21 Gr., p. 159.

"Where the reference was directed to a Master who had, prior to the appointment, been counsel for one of the litigants, neither party objecting, and the Master certifying that he acted in the reference at the pressing request of both parties, the Court held that the party against whom the Master reported could not raise that objection on appeal from the report, having taken the chance of the Master's finding in his favour."

Weldon vs. Templeton, 1 Chy., Ch. 360.

"Where in the course of a suit it became necessary to add as a party the Master to whom the cause was referred, the reference was changed on an ex-parte application by the plaintiff."

McConnell vs. McConnell, 3 Chy., Ch. 122.

"Usually, however, any application to change the reference should be 'on notice'."

Undoubtedly, therefore, in this case there is sufficient grounds for changing the reference. Section 18, Chap. 15, R.S.O. 1914, of *The Public Officers Act*, provides for such cases in the following words:

"Wherever by any general or special Act of this Legislature any person or the occupant for the time being of any office is empowered to do or perform any act, matter or thing, and such person or the occupant for the time being of such office is disqualified by interest from acting, and no other person is by law empowered to do or perform such act, matter or thing, then he or any interested person may apply, upon summary motion, to a Judge of the High Court Division in Chambers, who shall have power to appoint some disinterested person to do or perform the act, matter or thing in question."

An application, therefore, setting out the facts should be made under the provisions of this section and the application can be made by the Local Master himself.

DISCHARGES OF ASSIGNMENTS OF BOOK DEBTS TO BE MADE BY HEAD OFFICIALS NOT BY BRANCH MANAGERS OF BANKS

All discharges of assignments of book debts must be executed by the head officials of the bank, properly witnessed and in accordance with the amendment of 1925.

The original assignment is made to the Bank, not the local branch, and the local manager has not power to execute a discharge.

RE FEES ON ESTATES OF SOLDIERS

Section 75 of Chapter 62, R.S.O., Surrogate Courts Act, was amended by adding subsection 4, which amendment you will find in Chapter 28, 1917 Statutes, and which provides that:

"No fees shall be payable to the Crown in respect of proceedings for a grant of letters probate, administration or guardianship where the person, in respect of whose will, estate or infant the proceedings are taken, died from wounds inflicted, accident occurring or disease contracted while in the active military or naval service of His Majesty, whether in Canada or abroad."

A Registrar should satisfy himself by evidence that the deceased died from wounds inflicted or from disease contracted while in the services of His Majesty whether in Canada or abroad.

In reference to the Registrar's and Judge's fees, section 73, subsection 4, in my opinion, is limited to cases where the insurance money does not exceed \$3,000, and therefore a particular case where the insurance is \$6,000 does not come within the meaning of that section, and the fees would be computed in the ordinary way which would be \$1.00 per \$1,000 in each case for the Registrar and the Judge.

JUDGMENTS IN MECHANIC'S LIEN ACTIONS—WHERE TO BE ENTERED

Rule 762 of the Rules of Practice provides that all proceedings in a cause or matter should be carried on in the office where the cause or matter was commenced.

This particular action, being a mechanic's lien action, is commenced where the statement of claim is filed, and this action should be treated as a Supreme Court action and subject to the Rules of the Court except where the practice is varied by Statute.

The judgment, therefore, should be entered where the proceedings were commenced.

The proper parties, however, to settle the judgment in a mechanic's lien action is the Judge or officer who tries the action, unless it be tried by a Supreme Court Judge. Therefore, after the judgment has been settled and signed by the County Judge it should be sent to the office where the proceedings were commenced, and signed and entered there as a judgment.

NO CHARGE FOR SUBPOENAS IN MATTERS RUNNING IN OFFICER'S OWN COURT

There is no provision under the tariff whereby a charge of \$1.00 can be made for subpoenas for use in matters running in an officer's own court. Item 11 of the tariff only provides for the charge of \$1.00 for subpoenas in matters outside of an officer's own court.

RE FEES FOR FORWARDING PAPERS ON APPEAL

Rule 396 provides as follows:

"Every local officer shall upon praecipe and payment of necessary postage or express charges for transmission and return, transmit to the Central Office, Toronto, all papers and documents required for use in Toronto."

The only fee provided for by the tariff is a fee of 50 cents for making up and forwarding papers. Papers are forwarded only on praecipe and the 50-cent law

stamp for the fee should be attached to the praecipe and cancelled, and there also should be a 10-cent stamp attached to the praecipe for filing.

Sufficient will be collected from the parties to pay for necessary postage and express charges for transmission of papers and return.

RE TRANSMITTING PAPERS IN MECHANICS' LIEN ACTIONS

There are no fees provided for in stamps or money for the forwarding or transmission of papers in mechanic's lien actions. Actual postage or express charges in transmitting papers and for their return is allowed.

ENTERING OF JUDGMENTS AND ORDERS, FILING CHATTEL MORTGAGES, BILLS OF SALE AND ASSIGNMENTS OF BOOK DEBTS—COMMENTS

Rule 515 provides that every judgment and every order pronounced in Court shall be entered at full length. Examine this rule and notes thereunder in Mr. Holmestead's "Judicature Act" carefully.

Rule 516 provides for the entering of orders and states that orders issued on praeces and orders made in chambers shall not be entered in full, with certain exceptions, and that rule sets out the exceptions. By a study of this rule an officer can ascertain those orders that should be registered in full and those that should not. An officer should not accept the advice of any solicitor as to whether an order should be entered in full or not.

FEES UNDER CREDITORS RELIEF ACT

What fees is a County Court Clerk entitled to under *The Creditors Relief Act*?

There are certain law stamps required to be attached to claims and affidavits as provided under section 42.

On examining the Act there are certain other fees which are payable to the Clerk. Undoubtedly the Clerk is entitled to a fee of 50 cents for the issuing of a certificate under the provisions of section 10. This certificate is only obtained upon application to the Clerk, and in my opinion item 12 of the County Court tariff would not apply because that tariff is limited to applications and proceedings before a County Court Judge and upon all applications in an action after judgment.

On examining *The Creditors' Relief Act*, however, section 16 provides for the keeping of a book of record in which, before giving a certificate or issuing an execution for claim, the Clerk is to enter certain particulars. And it is further provided by that section that the entry shall, subject to the provisions of the Act, have the effect of and be a final judgment of the Court for the debt and costs.

I am therefore of the opinion that the entry in this book is the entry of a judgment of the Court.

Section 23 of the Act provides that the Clerk of the Court shall ascertain and state in his certificate the amount of the costs to which the claimant is entitled as against the debtor, and such costs shall include the fees paid to the Clerk of the County Court on the scale for like proceedings in the County Court or in the Division Court, as the case may be, depending upon the amount of the claim.

This section, in my opinion, therefore authorizes a fee of \$3.00 for the entering of a judgment, provided the claim is sufficiently large to bring it within the County Court, and in other cases the fee to be charged is the fee allowed by the Division Court tariff for the entering of judgments.

RE REGISTRAR'S DUTY TO ATTEND COURT SITTINGS

I do not know whether the matter you mention was an interpleader action actually tried before the Court, where witnesses were called and examined and judgment given or not. If it was such an action you would be required to attend.

If, however, it was simply a chamber matter where application was made to have an interpleader action directed to issue, then I think you, as local Registrar, should also attend as some record should be made by you. There is no fee for such an attendance on chamber motions.

BILLS OF SALE—WHEN AFFIDAVITS OF BONA FIDES BY AGENTS MAY BE ACCEPTED

Section 12 of *The Bills of Sale and Chattel Mortgage Act*, Chap. 135, R.S.O. 1914, provides that every affidavit of bona fides required upon the renewal of a chattel mortgage may be made by the agent of the bargainee or mortgagee, providing that he is aware of all the circumstances and properly authorized in writing to take the conveyance or renew the mortgage.

Under the provisions of section 13, the authority in writing referred to in section 12 or copy of such authority shall be attached to and filed with the mortgage or conveyance.

A new subsection 4 was added to section 12 by chapter 35, 15 Geo. V, 1925 Statutes, which is as follows:

- (4) "If the mortgage or conveyance is made to a corporation having branches, agencies or offices opened pursuant to statutory authority, the affidavit may be made by the manager, assistant manager or accountant of any such branch, agency or office without being authorized so to do by resolution of the directors and the affidavit shall state that the deponent is aware of all the circumstances connected with the mortgage or conveyance and has personal knowledge of the facts deposed to."

The original authority in writing referred to in section 12 should be filed in the office under a separate heading, and any bills of sale or mortgages or renewals that come to the office in future should have the authority in writing or copy of the authority attached.

LIEN NOTES—FEES FOR CERTIFICATE

1. The statutory fee for filing a lien note is 10 cents.
2. If there is personal attendance with the lien note at the office where it is to be filed and the officer is asked to give the number of the filing, this is given and no further fee is charged unless this information is required in writing. If required in writing, it is the giving of a certificate, for which a fee of 50 cents is charged.
3. If a lien note is sent by mail and the officer is requested to fill in particulars of date of filing, the number, etc., on a post card enclosed for return, or if no post card is required, to send particulars, this is the giving of a certificate and a fee of 50 cents is charged.

CROWN ATTORNEYS AND CLERKS OF THE PEACE

1. The docket of all cases in the County Judges Criminal Court should be indexed.
2. The returns of convictions made by Police Magistrates should be kept properly bound in the Record Book and indexed to date.

3. Care should be taken to see that the provisions of *The Jurors' Act* have been complied with in preparing jury rolls, and that all proper signatures and certificates are completed.

4. All naturalization fees, commissions on the sale of law stamps, election fees, both Dominion and Provincial, are now to be included in the fees of office. The fee of \$5.00 under *The Naturalization Act* is to be paid by the applicant at the time of making the application and the officer must include the fees for all applications in the returns to the Inspector.

5. The question as to the right to be allowed counsel fees in indictable offences under Part 16 of the Code, and summary matters under Part 15 of the Code in proceedings before Police Magistrates, is dealt with in a memorandum hereunder written.

POLICE MAGISTRATES

1. All fines imposed for breaches of *The Highway Traffic Act*, when committed upon any provincial highway, are payable to the Province, no matter whether the complainant is a provincial officer, a municipal officer, or other person.

2. All fines imposed for breaches of *The Ontario Game and Fisheries Act* are properly payable to the Province no matter whether the complainant is a Provincial Game Warden or not.

3. All fines imposed under *The Standard Hotel Registration Act*, no matter who is the complainant, are properly payable to the Province.

4. The fines imposed under *The Lord's Day Act*, except in districts, according to the terms of that Act, are payable half to the complainant and half to the municipality in which the offence takes place.

5. By Order-in-Council passed, the rate allowed for mileage to Magistrates using their own cars is 10 cents per mile not, 15 cents per mile.

6. All informations laid against persons for driving a motor car while intoxicated must be laid under section 285C of the Criminal Code, and not under the Provincial Act.

DISTRIBUTION OF STATUTES BY CLERKS OF THE PEACE

By Order-in-Council, the following officials are entitled to receive the Statutes through the Clerks of the Peace: Judges, Police Magistrates, Justices of the Peace, Municipal Officials.

I would suggest Clerks of the Peace procure a book and make a list of the officials who are entitled to receive the Statutes, leaving a space for the official to sign as having received the Statutes, as they are handed out. Printed forms notifying the different officials that the Statutes are at the office could be sent out.

A fee of 10 cents for each Statute, for which a receipt is obtained, is proper.

FEES FOR STENOGRAPHIC REPORTERS, POLICE MAGISTRATES

Subsection (b) of subsection 2 of Section 16 of the regulations under *The Magistrates Act, 1922*, is as follows:

"The stenographic reporter employed under this regulation shall be entitled to receive the following remuneration for his services:

(b) For copies of evidence required for the purpose of an appeal, 10c. per folio for all copies required not exceeding six."

This means, in my opinion, that 10 cents per folio for all copies up to six is all that can be charged; e.g., if six copies were ordered for the purposes of an appeal, containing, say fifty folios, the charge would be \$5.00, not \$5.00 for each copy ordered.

Subsection (c) provides that if any additional copies are required, the charge is 5 cents per folio for each copy; that is, if eight copies were ordered, the charge would be 5 cents per folio for the seventh and eighth.

Subsection (d) provides that if one single copy is ordered the fee is 7½ cents per folio.

APPLICATION OF FINES UNDER THE STANDARD HOTEL REGISTRATION ACT

Fines under this Act are properly payable to the Province under the provisions of Section 5 of Chapter 99, being *The Fines and Forfeitures Act*, which reads as follows:

"Every pecuniary fine and penalty imposed for a contravention of any statute in force in Ontario and the proceeds of every forfeiture imposed and given to the Crown by any such statute shall, where the disposal thereof is within the power of this Legislature, and except so far as other provision is made in respect thereto, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund."

AUTHORITY OF POLICE MAGISTRATES TO ALLOW COUNSEL FEES IN INDICTABLE CASES UNDER PART XVI CODE, AND IN SUMMARY CONVICTIONS UNDER PART XV CODE

My view is only my own opinion, and any ruling that I give in the matter would not necessarily be conclusive and binding upon a Police Magistrate, Justice of the Peace or Crown Attorney. I have given careful consideration to the following questions, and my answers to the same are as follows:

1. In cases of indictable offences under Part 16 of the Code, can any fee be charged by a Police Magistrate for swearing out an information or issuing summonses to witnesses?

Answer—Section 34 of *The Justices of the Peace Act* is as follows:

"In cases not provided for by the Criminal Code and *The Ontario Summary Convictions Act*, a Police Magistrate not receiving a salary and a Justice of the Peace, shall be entitled to receive from the County, or, in the case of a District, from the Province, \$2.00 for all services connected with the case where the time occupied by the hearing does not exceed two hours, and 50c. for each additional hour above two hours."

It will be noted that this section is only applicable to Police Magistrates who do not receive a salary.

I may say in this connection that my opinion, in such cases where the section applies and where the information only is taken by such a Police Magistrate or Justice of the Peace, and the case is not tried by such Police Magistrate or Justice of the Peace, is that a portion of the fee of \$2.00 would be proper to be allowed.

2. Is it proper for a Police Magistrate in indictable offences under Part 16 of the Code, where the Crown Attorney attends, to include in the costs where a fine is imposed, a fee of \$5.00 for the Crown Attorney?

Answer—Under Schedule "A," Chap. 29, 7 Geo. V, in indictable offences where the Crown Attorney attends the Police Court in summary trials under Part 16 of the Code, where requested in writing to attend by the Police Magistrate or by two Justices of the Peace, acting under cl. 7 of ss. 7 of Sec. 771 of the Criminal Code, Crown Attorneys are entitled to a fee of \$5.00, and if attendance is required out of the County or District town, a per diem allowance of \$10.00 (not including expenses).

The authority that a convicting Magistrate or Justices of the Peace have in such cases where a fine and costs are imposed instead of imprisonment or in addition to imprisonment, to include in the costs a fee to the Crown Attorney, requires an examination of the Criminal Code dealing with the matter.

Section 781 of the Code provides for the punishment on conviction of an offence under paragraphs C, D, E, F, G, H, and I of Sec. 773, in which cases the accused may be condemned to pay a fine not exceeding, with the costs in the case, \$200.00, or to both the fine and imprisonment not exceeding the said sum and the said term, etc.

It has been held that upon a summary trial under Part 16 of the Code, the Magistrate is a Court within the meaning of Section 1081, and may exercise the power thereby conferred upon the Court.

Subsection 3 of Section 1081 of the Code provides that the Court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution or some portion of the same, within such period and by such instalments as the Court provides.

Section 1044 of the Code provides as follows:

"Any Court by which and any Judge under Part 18, or Magistrate under Part 16, upon the conviction of any person for treason or any indictable offence, in addition to such sentences as may otherwise by law be imposed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such Court or Judge it seems fit so to do."

Reading these clauses, therefore, and considering same, my opinion is that a Police Magistrate is given the power to include a fee to the prosecuting attorney in summary trials of indictable offences under Part 16 of the Code.

I might point out, however, that the costs imposed upon a summary trial are a part of the fine, and a fine of \$200 without costs is not authorized by Section 781, which section in effect declares that the money penalty in cases to which it applies shall not exceed, with the costs, \$200; but if a fine of \$200 is imposed without any mention of costs it will be presumed that the costs form part of the sum of \$200, and the conviction in that case would be upheld.

It is for the Magistrate or other official holding summary trial under Part 16 to fix the costs imposed upon conviction, the tariff of costs provided for on summary conviction proceedings under Part 15 being excluded from operation under Part 16 by virtue of Section 798, and the Court will not interfere with the amount awarded, if they are fixed within reason and not shown to include anything which ought not to have been included.

I understand that the practice is, in those cases where the costs cannot be made through the offender in indictable offences under Part 16 of the Code, that upon the production of the proper certificate to the auditor of Criminal Justice accounts, the fee of the Crown Attorney allowed is usually looked after.

3. In summary trials under Part 15 of the Code, can a fee be allowed a prosecuting attorney and be included in the costs?

Answer—Section 735 of the Criminal Code is as follows:

"In every case of a summary conviction or of an order made by a justice, such justice may in his discretion award and order in and by the conviction or order that the defendant shall pay to the prosecutor or complainant such costs as to the said justice seem reasonable in that behalf and not inconsistent with the fees established by law to be taken on proceedings had by and before justices."

I have had some difficulty in arriving at an opinion on this question, as it is a question that has arisen many times and County Judges have decided both ways.

Crankshaw, Criminal Code 5th Ed. 1924, in his notes to Sec. 735, states that the costs which may be awarded by a justice in summary conviction cases do not include attorney's fees.

My view, however, of both of these sections is that the Justice has power to include counsel fees.

I may say that in discussing this question with officers of the Department, that the opinion is that the section is wide enough to allow such a fee to a counsel, but of course such opinion is not binding or conclusive and may be upset on appeal.

In matters under the Ontario Summary Conviction Act 1926 Amendment no counsel fee can be allowed.

POLICE MAGISTRATE—MANNER OF TAKING EVIDENCE

In reference to the manner in which you have been taking down the evidence at the sittings of the Court, I have examined the copy of evidence which you sent me, and am returning same herewith to you. If I were taking down the evidence myself, I would use the narrative manner in transcribing the evidence, starting with: "John Smith, sworn, says as follows," and then write down as fully as possible the statements made by the respective witnesses, and when I came to any cross-examination I would make a note and say: "Cross-examined by Mr. A., B. says as follows," and after evidence is all in would read it over to the witness and have him sign it.

It is important that the evidence of witnesses be taken down by you at the hearing as fully as possible. It is absolutely improper to make notes at the hearing and to fill in the evidence taken later, as the full statements of the witnesses must be taken down at the hearing itself.

APPLICATION OF FINES UNDER CODE SECTIONS RE CRUELTY TO ANIMALS

Convictions made for a violation of the provisions of Section 542 of the Criminal Code, under Section 1043 one moiety of the penalty with full costs would be properly payable to the person who informed or prosecuted.

RE LAND TITLES OFFICES

There are sixteen Land Titles offices in the Province, namely:

1. *Algoma*—Sault Ste. Marie. V. McNamara is the Local Master of Titles. All fees earned in this office are remitted to the Inspector of Legal Offices each month and deposited with the Provincial Treasurer. The Local Master is paid a salary of \$2,500 per annum, and his assistant is paid a salary of \$65 per month, making the total present salaries of this office, \$3,780, which is paid by the Province each month.

2. *Cochrane*—Cochrane. This office was opened for business on the 2nd of January, 1926, with J. A. Clermont as Local Master. The Local Master is paid a salary of \$4,000 per annum, and his assistants at the present time are paid in all the sum of \$2,640, making the total present salaries for this office in the sum of \$6,640. These salaries and the incidental running expenses of the office are deducted from the fees each month and the balance is remitted to the Inspector of Legal Offices by the officer, and deposited with the Treasurer by the Inspector.

3. *Elgin*—St. Thomas. Dr. Coyne is the Local Master of Titles and also the Registrar of Deeds. The business of this office is very small, amounting to only \$81.07 for the year 1925. The Local Master in this office takes the fees.

4. *Fort William*—Fort William. J. E. Swinburne is the Local Master of Titles and also Registrar of Deeds. The fees of the combined offices are added together and a yearly return made to the Inspector of Legal Offices. This officer takes fees of the office, is allowed his proper disbursements, and pays to the Province any statutory percentage payable.

5. *Kenora*—Kenora. Mrs. E. A. Cunningham is Local Master of Titles and Registrar of Deeds. The fees of the combined offices are added together and a yearly return made to the Inspector of Legal Offices. This officer takes the fees of the office, is allowed her proper disbursements and pays to the Province any statutory percentage payable.

6. *Manitoulin*—Gore Bay. C. C. Platt is the Local Master of Titles and the Registrar of Deeds. The business of this office is very small and in the year 1925 amounted only to the sum of \$101.95.

7. *Muskoka*—Bracebridge. C. E. Lount is now the Local Master of Titles and Registrar of Deeds. The fees of the combined offices are added together and a yearly return made to the Inspector of Legal Offices. This officer takes the fees of the office, is allowed proper disbursements and pays to the Province any statutory percentage payable. The business of the office is very small.

8. *Nipissing*—North Bay. J. M. Deacon is the Local Master of Titles. All fees earned in this office are remitted monthly to the Inspector and deposited with the Provincial Treasurer. The Local Master is paid a salary of \$3,000 and his two assistants \$1,500, making a yearly total of present salaries paid, \$4,500. These salaries are paid monthly by the Province.

9. *Ottawa*—Ottawa. F. A. Magee is the Local Master of Titles. This officer takes all the fees of the office.

10. *Parry Sound*—Parry Sound. W. L. Haight is the Local Master and retains all the fees of the office.

11. *Port Arthur*—Port Arthur. J. M. Munro is Local Master of Titles at Port Arthur, and also the Registrar of Deeds. The fees of the combined offices are added together and a yearly return made to the Inspector of Legal Offices. This officer takes the fees of the office, is allowed his proper disbursements, and pays to the Province any statutory percentage payable.

12. *Rainy River*—Fort Frances. W. J. Keating is Local Master of Titles and Registrar of Deeds. The fees of the combined offices are added together and a yearly return made to the Inspector. This officer retains the fees of the office, is allowed his proper disbursements, and pays to the Province any statutory percentage payable.

13. *Sudbury*—Sudbury. S. Fournier is Local Master of Titles and Registrar of Deeds. The fees of the combined offices are added together and a yearly return made to the Inspector. This officer retains the fees of the office, is allowed his proper disbursements, and pays to the Province any statutory percentage payable.

14. *Temiskaming*—Haileybury. L. H. Ferguson is the Local Master, is paid a salary of \$4,000, and the total present salaries of his present staff amount to \$2,940.00, making the total salaries payable by the Province, \$6,940.00. These salaries and the incidental running expenses of the office are deducted from the fees each month and the balance is remitted by the officer to the Inspector, who deposits same with the Provincial Treasurer.

15. *Whitby*—Whitby. This is a very small office, only one parcel of land under *The Land Titles Act*. The Local Master is Judge Thompson, Senior Judge for the County, who takes all fees earned in this office.

16. *Toronto*. G. W. Holmes, Master of Titles. At present the total salaries payable in this office for the year 1925 amounted to the sum of \$32,048.94. All fees of this office are paid in law stamps. The total earnings of this office for the year commencing November 1st, 1924 and ending October, 1925, amounted to \$43,419.90. The salaries of the Master and the two Deputy Masters are fixed by Order-in-Council and cheques issue to them monthly. The salaries and other proper expenses of this office are charged against the income and any surplus paid over to the City of Toronto, who provides the office accommodation.

The Province provides and pays for all the necessary books, registers, etc., of all the Land Titles offices and Registry offices in the Districts, namely, Algoma, Cochrane, Fort William, Kenora, Manitoulin, Muskoka, Nipissing, Parry Sound, Port Arthur, Rainy River, Sudbury and Temiskaming, and there is a separate vote in the Estimates providing for the payment of these books and contingencies.

AFFIDAVIT TAKEN IN ENGLAND BY AN ONTARIO NOTARY PUBLIC SUFFICIENT

Section 132 of *The Land Titles Act* states as follows:

"The proper Master of Titles or any officer of the office of Land Titles authorized by him in writing, or any person authorized for a like purpose under *The Registry Act* may administer an oath for any purpose of this Act."

Persons authorized under *The Registry Act* are found under Section 37, which reads as follows:

- Subsec. 1 "Every affidavit made under the authority of this Act shall be made before the Registrar or Deputy Registrar of the Registry Division in which the land lies, or before some person authorized by law to take affidavits in or for use in Ontario."
- Subsec. 2. "Where an affidavit of execution is made out of Ontario before a person who has no official seal it shall be sufficient for him so to certify."

At the foot of Sec. 37, reference is made to Sec. 38 of *The Evidence Act*, Chap. 76, R.S.O., which section reads as follows:

"Oaths, affidavits, affirmations, or declarations administered, sworn, affirmed or made out of Ontario:

- (k) . . . before a commissioner authorized by the laws of Ontario to take such affidavits;
- (l) or before a Commissioner authorized to take affidavits in Ontario or a *Notary Public of Ontario*;
- shall be valid and effectual and shall be of like force and effect to all intents and purposes as if such oath, affidavit, affirmation or declaration has been administered, sworn, affirmed or made in Ontario before a Commissioner for taking affidavits therein or other competent authority of the like nature."

My opinion is that an affidavit, providing it has been properly signed and the seal of the Notary affixed thereto, having been taken out of Ontario and by a Notary Public for Ontario, is a properly taken affidavit and comes under the provisions of subsection L, 1916 Statutes, Chap. 24, Sec. 2.

PRACTICE RE ACCEPTANCE OF TRANSFERS FROM AUTHORIZED TRUSTEES

No transfer by a Trustee in Bankruptcy should be registered unless it is accompanied by the Order of the Court in Bankruptcy in accordance with Rule 101. *The Land Titles Act* does not require the Order to be entered in the Court and a certificate given as the original Order can be used, which saves some expense, and the practice in dealing with these is to send the original Order which is registered with the transfer.

CAN AN AFFIDAVIT RE ASSURANCE FEES MADE BY A SOLICITOR BE ACCEPTED?

Subsections 7, 8 and 9 of Section 123 of the Act shows that the applicant should make the affidavit. Of course, subsection 3 of Rule 5 allows the affidavit (Form 11) to be dispensed with in certain cases or to be made by an agent. That is, where the applicant might be a woman or some person not living where the land is situated and who is quite unfamiliar with the value of the land to be brought under the Act.

The Master must satisfy himself that true value is given. He can quite readily do this, he being on the spot is more or less familiar with the value.

I may say that the practice in the Land Titles Office at Toronto is to have the amount stated by the applicant in his own affidavit.

RE TRANSMISSIONS TO A LOCAL MASTER RE M—

This was a transmission in which the widow was entered as owner. The deceased died intestate and the affidavit filed does not set out the names of the heirs but simply states that the deceased left a widow and no children, that the property was under the valuation of \$1,000 and the widow was entitled to inherit the whole property.

There should be evidence to show that this was the only property and estate that the deceased had and this evidence should be full and complete as the deceased might have had property outside of the district. Independent evidence as to value in cases of this kind should be obtained. In this case all the Local Master has is the widow's own affidavit as to value, and in cases like this, it is my opinion not safe to accept the simple evidence from an interested party. Of course, the Local Master may have personal knowledge of the value.

There is no election executed by the widow and there must be one filed—see section 4 of section 12 of *The Devolution of Estates Act*, R.S.O. 1914, and I would insist that the Local Master procure the proper election now from her and file it with the papers.

Local Masters should see that the provisions of this section are always complied with in such cases,

RE SALE PROCEEDINGS

1. Has a chargee, where the chargor is in default, the right to apply and be registered as owner of the land if evidence is produced to show default, proof of notice on all parties, affidavit by the auctioneer that the land was not sold at the sale, bids not being equal to the reserve bid, etc.?

A chargee under *The Land Titles Act* is in a different position to a mortgagee in fee since the instrument does nothing more than charge the land as security for the payment of certain moneys, and the legal estate is never transferred thereby from the registered owner of the land but remains vested in him or his transferee until default in payment of the moneys secured.

Default being made, the power of sale contained in the charge may be exercised by the chargee according to the agreement set out in the charge between the parties, and until the lands are sold to a stranger under the power contained in the charge, the legal estate remains in the chargor, therefore the legal estate, in my opinion, will never at any time become vested in the chargee. It is well settled law that where a chargee chooses to exercise the power of sale under his charge, he must sell to a stranger as he cannot sell to himself nor to a trustee for himself.

Armour on Titles, Fourth Edition, 1925, page 483, says, that a mortgagee is disqualified from buying under the power of sale on the ordinary principle that his duty in selling would necessarily conflict with his interest in buying; and so it has been held that he cannot buy by either private contract or publicly, nor can an agent or his solicitor's clerk buy for him or his solicitor, either for himself or for the mortgagee.

See *Ellis v. Dellabaugh*, 15 Gr. 583; and *Howard v. Harding*, 18 Gr., page 181. In *Martinson v. Clowes*, 21 Ch. D., page 857, it was held that where a building society offered mortgaged premises for sale under their power, the purchase at public auction by their secretary on his own account was set aside at the instance of the mortgagor, though the price given was a fair one. I would also refer you to *Hunter on Powers of Sale Under Mortgage*, Sec. 20, page 18, and Sec. 158, page 129; and also to *Scott's Torrens System Mortgages*, page 76, last two paragraphs.

In the event of an abortive sale, therefore, the chargee may sell by private sale, but sell to a stranger he must, or it is no sale, and the legal estate still remains in the chargee. See *Farrar v. Farrars*, L.R. 40, Ch. D49. Consequently, to register a chargee as owner of a parcel would be contrary to law and would be giving to the chargee a new right, which was never contemplated.

In this connection, however, the fact should not be overlooked that the chargee may upon default enter upon and receive the rents and profits for the period between the default and sale, but of course he must strictly account to the mortgagor for the same.

My answer, therefore, to the first question is in the negative.

2. Does an execution effect land sold under power of sale contained in a charge if the execution is placed with the Local Master subsequent to the sale but prior to the registration of the transfer or application of the chargee?

In this connection only execution creditors whose executions are in force, that is, in the hands of the Sheriff, and in the case of *The Land Titles Act* filed in the Land Titles Office, at the date of the service of the notice of the exercising of power of sale, are entitled to notice. See *re Abbott v. Medcalf*, 20 O.R., page 299, and *Hunter's Power of Sale under Mortgage*, 2nd ed., Sec. 69, page 56.

It would therefore be the duty of a Local Master of Titles or Master of Titles to ascertain what executions are on file in his office at the date of the service of the notice of exercising power of sale upon the mortgagor and to see that these execution creditors are served. Executions filed subsequent to the service of the notice, in my opinion, need not be considered by him.

3. Whether the wife of the mortgagor who joins in the mortgage to bar her dower should be a party to an action for foreclosure, has been several times considered. Prior to R.S.O. 1887, Chap. 133, Subsections 5 and 8 (now *The Dower Act*, R.S.O., Chap. 70, Sections 10 and 11) it was held that she was neither a proper nor a necessary party. See *Moffatt v. Thompson*, 3 Gr., 111; *Davidson v. Boyes*, 6 P.R., 27.

After that Act, however, she was held to be a proper party. *Building and Loan v. Carswell*, 8 P.R. 73; *Ayrst v. McClean*, 14 P.R., 15.

In *Gasner v. Haight*, 6 O.R. 451, she was held by Proudfoot J. to be not a necessary party, but the contrary view was taken by Rose J. in *Blong v. Fitzgerald*, 15 P.R., 467, where, on her application, she was added as a defendant, the opinion being intimated that she was a necessary party in order to bind her by the proceedings.

The weight of authority appears to be in favour of the view that she is a proper but not a necessary party. The safer practice is to add her as a party,

though strictly speaking, a married woman having a mere inchoate right of dower in the equity of redemption has no present right to redeem. See per Riddle J. *Standard Realty Company v. Nicholson*, 24 P.L.R., page 51.

In view of the above, therefore, where proceedings are taken for foreclosure even though the wife has barred her dower for the purpose of the charge, I am inclined to think that she is a proper party to the action either by writ or in the Master's office. I am of the opinion, therefore, that a Master of Titles would be quite proper in assuming that a wife is not cut out by a foreclosure order unless she is a party to the proceedings, and registration should always be made subject to the rights of the wife, if any, as to dower. Such an entry in the books would fully protect the Master, and, I think, be considered good law. Of course, if the chargee desired to appeal he could do so and the point could then be settled.

RE SALE PROCEEDINGS UNDER POWERS IN CHARGES

Local Masters of Titles in all matters of sale under power of sale contained in charges are placed in the position of a Judge, and must be satisfied that all the requisitions for a valid sale have been fully and completely complied with.

The first thing that a Local Master must do is to "*Examine carefully the provisions contained in the charge relating to the exercise of a power of sale.*"

The right of a chargee to exercise the power of sale, and the steps that must be taken by him, are governed entirely by the terms of the charge, and the right to exercise the power is entirely a matter of agreement or contract with the chargor, and is the basis or foundation upon which the whole sale proceedings rest.

Be satisfied therefore that the provisions contained in the charge have been fully complied with.

The next two essential points to be particular about are:

1. Default.
2. Notice.

1. *Default.*—There must be default sufficient to justify the sale, and full, ample, and complete proof of this must be produced.

2. *Notice.*—If a notice is required to be given there must be full and complete proof that the notice has been given to all parties entitled to receive same.

The notice must be a proper notice and must always show that default existed at the time the notice of the proposed exercise of the power of sale was served to justify the action taken, and that the default was continuing default.

The manner of giving notice is provided for in the charge and is a matter of contract and agreement. "*The notice must be given only in the manner set out in the charge.*" There can be no substitutional service by order of a Judge or otherwise, as a Judge has no right or power to make any order for service of such notices. It is purely a matter of agreement and the terms of the charge in this respect must be carried out. If, however, where acceptance of a solicitor is relied on, proof of his authority must be produced.

Local Masters have very important and responsible duties to perform in connection with these sales, and cannot be too careful in dealing with them. Hereunder written are some suggestions which, I think, will be of assistance to Local Masters in sale proceedings.

1. *Notice of exercising power of sale and proof of service of same.*

(a) The notice should show that default existed at the time the notice of the proposed exercise of the power of sale was served to justify the action taken,

that such default was continued; and also should set out the facts clearly and concisely, referring to the provisions of the charge for exercising the power of sale and show a statement of arrears due; and the notice should be in proper form.

(b) Affidavits should be produced proving service of the notice upon all parties entitled to be served, including the wife of the mortgagor, execution creditors and all subsequent encumbrancers, and the Master should satisfy himself that all proper parties have been served. Where acceptance of a solicitor is relied on, proof of his authority should be produced.

(c) Where entry upon the land is a condition precedent to the right to exercise the power, such entry must be shown. In reference to right of entry being a condition precedent, see *Clark v. Henry*, 16 O.R., page 159.

(d) For service on the wife of mortgagor, see:

Muffitt vs. Underhill, 8 O.W.R., page 347.

Bennett vs. Slood, 13 O.W.W., page 131.

Uren vs. Confed. Life, 13 O.W.W., page 133, and 40 O.L.R., page 536.

British vs. Ray, 16 O.R., page 15.

Barry vs. Anderson, 18 A.R., page 247.

Abbott vs. Metcalf, 20 O.R., page 299.

N.B.—Where a chargee marries subsequent to the granting of the charge, I doubt the necessity of service upon the wife since she had no dower unless the husband dies seized, and then only in the equity of redemption. See Sec. 47 of *The Land Titles Act*.

Neither is service necessary in the case of unimproved or mining lands. See Secs. 6 and 7, Chap. 70, R.S.O. 1914.

This is mentioned because there have been instances where the wife under such circumstances had been unnecessarily served, and this point might not be clear to all Local Masters, who might be inclined to hold up proceedings for want of service in such cases.

2. Affidavit of Charges.

An affidavit should be produced of the chargee, setting out all the facts, proving that default had been made according to the terms of the mortgage, a statement of the arrears that are due on the mortgage, that the default had been continuous, that there had been nothing paid on account of the mortgage, and that there had been no tender. Local Masters should be particular to see that there is evidence of sufficient default in the payment of the charge to justify the sale.

3. Publication of Notice and Offering for Sale.

An affidavit should be produced proving proper publication of notice of sale in the proper newspaper published in the vicinity and there should be at least three insertions in the newspaper.

4. Posting Sale Bills.

Affidavits should be produced proving the posting up of a sufficient and proper number of sale bills in proper places, and that the sale had been well advertised; copies of these sale bills posted should be attached to the affidavit, and the posting up should be done at least three weeks prior to the sale.

5. Auctioneer's Affidavit.

(a) When a sale is made, proper affidavits should be produced of the auctioneer, showing as follows:

1. That he did offer the land for sale in accordance with the advertisement or sale bill, which should be attached to his affidavit.

2. That the property was offered for sale at the time and place mentioned subject to the conditions of sale, which should also be attached and marked as an exhibit.

3. That the sale resulted in a sale being made to "A.B.," as set out in the signed memorandum forming part of the condition of sale.

4. That the highest bid was \$....., and the reserve bid was \$....., and that "A.B." was declared to be the purchaser.

It might not be really necessary for the auctioneer to state in his affidavit the amount of the reserve bid. It seems to me that it would be quite sufficient for him to state that there were no bids equal thereto, and if an affidavit of an auctioneer is produced which does not set out the amount of the reserve bid but simply states that there were no bids equal to the reserve bid, it should be accepted.

There is really nothing either by statute or case law, so far as I know, that would prevent the chargee from fixing any amount as the reserve bid, either high or low as he may feel inclined, and in the event of any bids by public not being equivalent thereto, there could be no sale.

In some cases solicitors for loan companies seldom appear when drawing the affidavit for the auctioneers to comply with the requirement of setting out the reserve bid, and where the solicitors reside at points distant from the Land Titles Office, considerable difficulty might be experienced in asking them to prepare another affidavit which would cover the point. Of course, try and have the reserve bid included in the auctioneer's affidavit, but if an affidavit is produced of an auctioneer which does not specifically set out the reserve bid but states that there were no bids equal to the reserve bid, I think it should be accepted.

5. That no payment had been made on account of the principal or interest to the auctioneer and that no tender had been made to him by the mortgagor or anyone on his behalf.

6. That the sale was conducted in a fair, open, and proper manner and that the best price possible was realized.

6. *Affidavit of Mortgagee.*

On completion of sale where land has been sold by auctioneer, there should be an affidavit produced by the mortgagee or chargee which should set out the following:

1. All of the facts.
2. That there was default in the mortgage or charge.
3. That the default was continuous up to the date of the sale.
4. That there had been no payment made on account of the mortgage up to the date of the sale.
5. That there had been no tender made up to the date of the sale by the mortgagor or anyone on his behalf.
6. That the sale had been duly advertised,—refer to the publication and the sale notice and the posting up of sale bills.
7. That the reserve bid was \$.....
8. That the land was sold for \$....., which was the highest bid and set out the exact amount due upon the mortgage.
9. That the sale was bona fide, conducted in a fair, open and proper manner, and that the best price possible was realized.

The duplicate charges and all certificates of title and all proceedings in connection with the titles should be produced and left with the Master.

All evidence intended for the Land Titles Office should be by affidavit, but where, however, through inadvertence, evidence of sale proceedings had been prepared in the form of statutory declaration, these should not be refused.

All affidavits and papers in respect of proceedings under power of sale should be headed:

"Land Titles Act
In the matter of sale under charge for—
A. B. to C. D."

Recitals in the transfer exercising the power of sale are unnecessary. The most convenient manner of commencing the transfer is as follows:

"I, A. B., the registered owner of Charge No. . . . upon the lands in the Office of Land Titles at., as parcel.etc."

- (b) Cases where no sale had been made by the auctioneer, but the land had been subsequently sold by private sale, affidavits required.

The same papers and evidence as hereinbefore set out should be produced, but the auctioneer's affidavit, besides setting out the facts above-mentioned which are applicable to such cases, should also state that the land had been offered for sale, that the reserve bid was \$..... that no bid was received equal to the reserve bid, and no sale was made, and that the sale had been conducted in a fair, open and proper manner.

Additional Affidavits by Chargee.—There should be additional affidavits by the chargee in cases where the sale has been made privately after the offering for sale by public auction and these affidavits should set out, particularly, the following:

1. All of the facts in connection with the sale, that the land had been duly advertised and offered for sale, that no sufficient bid had been received, that the reserve bid was \$....., that if any bid was received it did not equal the reserve bid, that the sale had been conducted in a fair, open, and proper manner by the auctioneer.
2. That subsequently a sale had been made to C. D. for \$.....
3. Set out the amount that is due as to the date of the sale to C. D.
4. That default had been continuous up to the date of the sale to C. D., that there had been no payment on account of the mortgage, that there had been no tender by the mortgagor up to the date of the sale to said C. D., that the sale made to C. D. was made bona fides, that the price obtained was fair, and that all proper means had been taken to obtain the best price and in fact the best price had been obtained.

(c) Where sales are made without giving any notice.

Examine the charge carefully and see that the provisions contained therein allow a sale to be made without notice. This is the foundation of the whole proceedings and too much care cannot be exercised in this respect. Also see that there has been a sufficient default to justify the exercise of the power. An affidavit should be produced by the chargee or mortgagee setting out fully and concisely:

1. All the facts and reciting the provisions in the charge allowing sale to be made without notice.
2. The amount that is due upon the charge and the arrears.
3. That there had been default made in the payment, that the default had been continuous, that no payment had been made on account, that no tender had been made by the mortgagor or chargor or anyone on his behalf up to the date of sale.
4. That a sale had been made for \$..... to C. D., and that the sale was bona fides, that the best means available had been taken to obtain the best price possible for the lands, that the price was fair, and that the default was continuous up to the actual date of sale to C.D.

Independent Affidavits of Price.

I think the Local Masters should be particular to see that there is an independent affidavit showing that the price obtainable was fair, as there might be a tendency for the mortgagor or chargor in exercising power of sale without notice to make a sale in which there might be some collusion and the price very inadequate. Care, however, should be taken to see that all subsequent encumbrancers and execution creditors and all other parties who might be entitled to receive a notice had been properly served with notice.

(d) Cases where several parcels in a mortgage have been offered for sale which was abortive, but subsequently sold in separate parcels at different times.

The practice to follow in such instances is to require that all steps in connection with the default and sale be proved and filed upon the first application for registration of the first parcel dealt with.

In each separate subsequent instance, obtain an affidavit from the chargee, or, in the case of a company, from some officer having full knowledge thereof, which affidavit must contain the following material:

1. Refer to the charge covering the lands sought to be transferred.
2. Refer to and give the number of the sale proceeding already filed.
3. Show that the default of the chargor still exists, which would justify the sale.
4. That there has been no payment nor tender made by the chargor or by anyone on his behalf in respect of the balance and due owing under the charge after the application of previous moneys received on account of sales.
5. That the sale is bona fide, the price fair and just and the best obtainable for the parcel.

POINTS TO BE NOTED ON EVERY TRANSMISSION

1. The widow of the deceased owner of land is entitled to her dower or her right under The Public Lands Act, and cannot be deprived of this right, except by her own act.

2. She may release her right to dower by accepting the provisions of the will, or the provision of The Devolution of Estates Act, in lieu of dower. Otherwise, unless she released her right to the administrator or executor, the land should be transmitted subject to her rights.

3. At any time within three years after the death, the land may be transmitted to the personal representative, that is, the executor, or administrator, subject to the rights of the widow.

Note:—No administrator of the *personal estate only* has any right to transmission of land of a deceased.

4. After three years from the death, without a proper administrator's or executor's caution, being previously registered, land of the deceased should not be transmitted to any administrator nor to any executor, except where the land is devised to the executor or he is given power to sell at his discretion by the will.

5. After three years from the death, if the lands have not been previously transmitted to the personal representative, they may be transmitted to all the parties entitled, that is, the heirs of devisees, but this should not be done unless letters of administration or probate are produced.

6. On a transmission the affidavits and application should follow the words of the form as to the deceased "leaving no other child or the issue of any deceased child," when giving the names of the persons inheriting by reason of a death, and should set out in full everyone who has an interest in the property and whether they are of full age or infants.

7. An administration limited to a personal estate only has no right to a transmission.

8. An Order of the Court must be obtained to enable a devisee to be Registered before the expiration of the three year period. See *Re Shier* 52, O.L.R. p. 464.

POINTS TO BE NOTED ON THE FIRST TRANSFER AFTER EVERY TRANSMISSION

1. No first transfer after transmission should be finally accepted for registration until the transmission papers have been carefully gone over again by the Master and the rights of the several parties noted.

2. No administrator can sell lands in which an infant has an interest without the consent of the official guardian, and an executor must also have this consent unless the will specially authorizes him to sell.

3. An administrator or an executor without special powers can only sell within three years from the death, unless he has registered a caution within a year before the sale.

4. Generally speaking, an administrator or an executor without special powers can only sell to pay debts and should show by this affidavit that he is selling for this purpose, and if he wishes to sell for the purpose of distribution only, the parties interested must all join to consent, the Official Guardian acting for the infants and lunatics.

5. After three years from the death, the administrator or executor if registered as owner, may transfer the lands to the parties entitled, that is, the heirs or devisees, or with these parties all joining to consent and release their interest, may sell to a stranger.

RE REGISTRARS OF DEEDS

INSTRUMENTS AFFECTING LAND EXECUTED AFTER PLAN IS FILED TO CONFORM AND REFER THERETO

It appears that in September, 1924, the east half of lot 21 in the 1st concession of the Township of B—— had been deeded to one J. D. W. as trustee. W—— subsequently deeded the land to the R. R. Co., Ltd., which company subdivided the land and registered a plan, now Plan 96.

It appears also that W—— was not described as a trustee in the deed which he executed to the R. R. Co., Ltd., and the company have now requested that W—— execute a deed as trustee.

I understand that W—— has recently executed a deed as trustee to the company and that the deed has been dated back to bear the same date as the deed given to the company by W—— in which he was not described as a trustee.

This latter deed was executed after Plan 96 had been registered and after the land, being the east half of lot 21 in the 1st concession of B—— Township had been subdivided.

Can this deed recently executed by W—— as trustee, but simply containing the description of the east half of lot 21 in the 1st concession of the Township of B——, be accepted for registration without naming the subdivided lots?

My opinion is that the deed in its present form cannot be accepted for registration as it is an instrument that affects land executed after a plan is registered, and before being registered must refer and conform to the plan. See subsection 11 of Section 81 of *The Registry Act*, which states as follows:

"Every instrument affecting land or any part thereof executed after the plan is registered shall conform and refer thereto."

The instrument in my opinion should therefore set out the lots and refer and conform to the plan, and the Registrar would require to record the same against each lot affected.

DESCRIPTIONS BY REFERENCE TO PRIOR REGISTERED INSTRUMENTS

Can a Registrar accept deeds for registration and register the same when the description of the lands is by reference to a previous registered instrument, which previously registered instrument referred to does not properly describe the lands?

Generally speaking it is the duty of the Registrar to see that the description in instruments comply with the requirements of *The Registry Act*, and if the description does not so comply with the provisions of the Act, then it would be in the interests, not only of the Registrar, but also of the party registering the document, to see that the description was made perfect, and I think the document should be returned and the Registrar satisfied with the descriptions; if not, there will be difficulty for the Registrar in making the proper abstracts of the title.

I should have before me the particular instrument in question with a statement of all the facts in connection with the same, before I could express an opinion as to whether the description or reference in the particular instrument is such a description as complies with the provisions of the Act, and could be registered.

It might be that such a description by reference does not contain a description by metes and bounds or such a description as would be sufficient to enable the same to be traced or ascertained by a surveyor.

You, as Registrar, I think should satisfy yourself as to this.

I do not see how a Registrar could satisfy himself that the description by reference complies with the provisions of *The Registry Act* without examining the description in the registered deed referred to. Surely a proper fee could be charged for this. If any dispute arises as to the fee charged, the Act provides for the submission of the dispute to the Inspector for decision.

REGISTRARS MAY GIVE LIST OF PURPORTED MORTGAGES ON ABSTRACT—NOT TO GIVE AN OPINION AS TO TITLE

The Registrar may give a list of instruments which appear upon the Abstract Index and which purport to be mortgages and for which no instruments purporting to discharge them have been registered.

In making the request, however, to the Registrar for a list of instruments purporting to be mortgages, such request should definitely state the number of the lot and also the registered number of the instrument, which would give the Registrar a starting point. Otherwise, if the Registrar is asked to search the property of B—and report as to the mortgages thereon, the Registrar could not express any opinion as to title but would send you an abstract.

In making such a request the Registrar could be asked to give a list of the instruments which appear upon the abstract index of the particular lot (naming the lot) from the registered instrument No.—, which is the deed from A—to B—. Otherwise the Registrar would require to give a list of all instruments purporting to be mortgages appearing on the index to date.

IMPROPER DESCRIPTION—CORRECTION

I note that the description of the land in the deed which was registered in the Township of W— describes the land as being composed of part of lot Number 2 in the broken front concession in the Township of W—, and upon examining the description, discovered that this is not a proper description as the land should be described as part of lot Number 2, concession 1, Township of W—, and not in the broken front concession.

I notice that you have indexed this instrument on lot 2, concession 1, and not on the broken front concession. The instrument, therefore, is properly indexed on lot 2, concession 1.

I would suggest that in order to overcome the difficulty in this case that a deed of confirmation be obtained and registered. This deed should recite the prior conveyance with the faulty description and should be indexed on the abstract of the proper lot.

The only provision for the correction of errors you will find in *The Registry Act* is in section 79, but this section apparently does not apply to this particular case as you have indexed it on lot 2, concession 1, being the proper lot.

INSTRUMENT WITHOUT LOCAL DESCRIPTION—REMARKS

I have your letter, enclosing copy of an instrument *re* the Municipal Corporation of the United Townships of D— and others, in which you ask me as to whether the deed is in proper order to be registered.

It appears that you have no record of this particular property in your office, and that the property stands upon a road allowance.

This is an instrument affecting land without local description, and the provisions of section 34 of *The Registry Act* applies.

There should be a statutory declaration attached to this instrument by one of the parties to the instrument or by his attorney or by the heirs, executors, or administrators of such party to the effect that the instrument affects land within the Registry Division, and giving a local or general description of such land sufficient to enable the same to be traced or ascertained by a surveyor.

Why could not such a declaration be procured, setting out a description of the land by metes and bounds, which would enable a surveyor to trace out the land and ascertain the same?

RE DESCRIPTIONS IN INSTRUMENTS

A description may be elucidated by reference to a plan or sketch attached to the instrument, in which case it forms a part of the description.

In your description "A," you gives metes and bounds description and illustrate it by accompanying sketch attached, which is quite in order. Therefore, the description of the lands in Parcel "A," in my opinion, should be satisfactory for registration purposes.

Parcel "B" also describes the lands by a metes and bounds description, which is illustrated by accompanying sketch, but in this particular description reference is made to the limit of a part of the lot conveyed in a prior deed, and the question is, is it proper to refer to this limit of this particular lot which has been heretofore conveyed?

My opinion is that if a reference is made to a limit of a lot heretofore conveyed, the words following should be inserted after the word "heretofore" in the eleventh line of your description "B."

"Conveyed by one.....to.....bearing date the.....day ofand registered in the Registry Office for the Registry Division of the County of.....on the.....day of.....19....as No....."

The same remarks apply where reference is made to the north-east angle of that part of lot heretofore conveyed and shown as Parcel "C."

It would appear to me that if a conveyance of the lands mentioned in "A" were registered first, then the description of "B," referring to the limits of lands in "A," which were registered, could be received by the Registrar as a proper description.

Of course in each instrument there should be a copy of the plan attached to the description which would form part of the description and which would illustrate the description of the particular lands.

The views expressed in this letter have not the force of a decision, but are only an opinion.

STATUTE RE ADDRESSES ON DEEDS, ETC., IS MANDATORY

An assignment of mortgage, in my opinion, is an instrument which comes within the meaning of 45a of *The Registry Act* as amended by Chap. 26, 1923 Statutes, and therefore should show by endorsement the address, etc., of the assignee.

In the case of a release of legacy, I am not prepared to say whether it comes within the meaning of this particular section or not without first examining the particular document.

The Attorney-General has ruled that this legislation in reference to endorsements is mandatory and no instrument should be registered unless the address, etc., is upon it.

RE REGISTRATION OF NOTICES OF EXERCISING POWER OF SALE

Section 58 (1) of *The Registry Act* states:

"A notice of sale of land under the provisions of The Mortgage Act and a notice of exercising the power of sale, contained in any mortgage, and the affidavit or declaration of service thereof may be registered, and the same shall be registered in the same manner as an instrument affecting land, but it shall not be necessary to record the notice or the affidavit or the declaration of service attached thereto, in the Registry Book."

Under the provisions of this section, notices of exercising power of sale shall be registered in the same manner as an instrument affecting land.

Section 35 of *The Registry Act* provides for the necessary proof required for the registration of instruments and excepts certain instruments, and notices of exercising power of sale do not fall within the exceptions made by that section, and therefore should be accompanied by the affidavit of a subscribing witness in the form as set out in the said section 35.

Section 47 provides for the manner of registering instruments and briefly states, that unless otherwise provided for, instruments which may be registered under this Act shall be registered upon and by delivery to, and deposit with, the Registrar of the instrument or of a duplicate or other original part thereof with all necessary affidavits, etc.

In my opinion, therefore, according to the strict letter of the law as set out in *The Registry Act*, there should be attached to every notice of exercising power of sale presented for registration, an affidavit by a subscribing witness in the form set out in section 35.

As to the signing of a notice of exercising power of sale, my opinion is that it should be signed by the person entitled to give it or by someone on behalf of the person entitled to give it.

If signed by someone on behalf of the mortgagee in the capacity of an agent, the affidavit should set out the fact that it was signed by A. B., who is duly authorized by the mortgagee to so sign it, and I think that such an affidavit attached, proving the authority to sign by the agent, would be sufficient for registration purposes without the necessity of the registration of a special power of attorney.

RE FORGED INSTRUMENTS REGISTERED—HOW EXPUNGED FROM THE BOOKS

Neither I as Inspector nor the Attorney-General's Department have any power to order forged documents expunged from the Registry Office records. They are matters of record and constitute notice and must be taken for what they are worth.

I do think that the proper way to handle this matter would be to apply to the Court for an order declaring these particular instruments void and setting same aside. This might have to be done by the taking of an action. Any order or judgment given in the matter could then be registered in the Registry Office and provide directions to the Registrar in reference to the particular instruments in question.

MUNICIPAL PLAN UNDER SECTION 88—MODE OF PREPARATION

A plan can be prepared under section 88, subsections 1 to 11 of *The Registry Act*, upon the written request of the Inspector or of any person interested who makes application to the Clerk of the Municipality, and it would appear to me that there should be a direction given in writing by the municipal council to a

surveyor under the provisions of subsection 2 to prepare such a plan under the provisions of section 88.

Such a plan will show all lots or parcels as they appear from registered plans, and subsection 11 should be carefully considered, and such plan should also show all such lots as are not already shown on a registered plan but appear from the instruments relating to such lot.

It would therefore be necessary first to plot the registered plan and then to examine the instruments registered and plot the description of the instruments upon the plan, and doing so the boundary posts and landmarks should be definitely ascertained and fixed.

The amendment to subsection 11 of section 88, as set out in Chap. 25, 1919 Statutes, page 225, permits of the numbering of the lots on the new plan.

This not only serves as great assistance to the public but also to the corporation, enabling proper assessments to be made, and greatly aid in the preparation of description for tax deeds, should at any time any of these lots be sold for arrears of taxes.

The plan must have endorsed upon it the certificate referred to in subsection 2, signed by the clerk and the head of the municipality and the surveyor, and should state that the plan was prepared according to the direction of the municipality and in accordance with the provisions of the Act, and should have the corporate seal affixed thereto.

AFFIDAVITS OF EXECUTION IN SASKATCHEWAN MAY BE MADE BY A COMMISSIONER IN SASKATCHEWAN

Section 37 of *The Registry Act* provides as follows:

1. Every affidavit made under the authority of this Act shall be made before the Registrar or a Deputy Registrar of the Registry Division in which the land lies or before some person authorized by law to take affidavits in and for use in Ontario.

2. Where an affidavit of execution is made out of Ontario before a person who has not an official seal, it shall be sufficient for him so to certify. Section 23 of *The Interpretation Act*, being Chap. 1 R.S.O. 1914, provides as follows:—Where by an Act of this Legislature or by a Rule of the Assembly, or by an Order, Regulation or Commission made or issued by the Lieutenant-Governor in Council a law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, the oath may be administered and a certificate of its having been made taken, or administered, may be given by any one named in the Act, Rule, Order, Regulation or Commission, or by a Judge of any Court, a Notary Public, a Justice of the Peace, or Commissioner for taking affidavits having authority or jurisdiction in the place where the oath is administered.

In view of this section of *The Interpretation Act*, to be read with section 37 of *The Registry Act*, my opinion is that an affidavit of execution sworn in Saskatchewan before a Commissioner for taking affidavits in Saskatchewan, may be accepted as sufficient for registration purposes. The Registrar, however, should call attention in the column for remarks in the Abstract Index of the affidavit.

RE FEES FOR LIST OF LAND TRANSFERS

According to the amendment made in 1923 it is the duty of the Registrar to furnish a list of all registered instruments as therein stated for the next preceeding year or part thereof for which a fee of five cents per instrument is allowed.

No provision is made by this section nor could I find any provision in *The Registry Act*, authorizing the charging of a fee for instruments not included in the list authorized, therefore, under the provisions of section 93, I fix a fee of ten cents for every instrument in the list for the year 1923, but for the instruments in the list for 1924, you are bound by Statute to make a charge of only five cents.

RE COMPLETE DISCHARGE OF MORTGAGE

In complete discharges, it is not necessary to set out the lands and plan specifically. A discharge of mortgage is an example of an instrument which contains a description by reference to an instrument already registered.

A discharge of mortgage which was registered before a plan is filed can be accepted for registration, but register it against all the lots.

AFFIDAVITS IN FOREIGN WORDS IMPOSSIBLE OF TRANSLATION—JUDGE'S ORDER

It appears to me that if a translation of the foreign words can not be obtained, that this is a case where the Judge might well give a certificate under section 41.

NOTICE OF PATENTS BY PROVINCIAL REGISTRAR UNDER PUBLIC LANDS ACT—
MANNER OF REGISTERING

How is a notice given a Registrar by the Provincial Registrar under the provisions of Section 25 of Chapter 28, R.S.O. 1914, being *The Public Lands Act*, to be recorded and abstracted?

Under the provisions of this section, the Provincial Secretary furnishes the Registrar with a quarterly statement of all Crown lands patented and cancelled. This statement contains a list of the names of all persons to whom letters patent have been issued for land within the Registry Division during the next preceding three months, and of all the persons whose letters patent have been cancelled during that period, with such general or particular descriptions of the land as the case may require. This notice is called a Notice of Patent, and a Registrar should give it a number on the back of the instrument, and file it away under an index in the vault as patents.

These are usually treated as patents and are entered in the Patent Book. Registrars will likely find a book in the office in which all patents are received and recorded. When a Registrar receives a document of this nature, he should open up a separate entry in the Abstract Index Book and treat it as a patent.

Notice of a water lot, with merely a reference to the subdivision lot to aid description, I do not think, strictly speaking, should be entered upon the subdivision lot in front of which the water lot is said to be situated.

Open a new folio for the water lot as granted, and the first entry will be this patent, and enter any instruments affecting the water lot under this new heading. No fees are provided for a Registrar in this connection.

In many cases the patentee does not record his patent but simply relies upon this notice given by the Provincial Registrar, which is put in the books.

EVERY REGISTERED MORTGAGE IF DISCHARGED BY STATUTORY CERTIFICATE TO
BE BY SEPARATE CERTIFICATES

G—Company executed a bond mortgage in the first instance which has been registered, and subsequently the company executed further mortgages which have been registered, and the question to be determined is whether there should be separate discharges for each mortgage.

Section 62 of *The Registry Act* provides that in the case of a registered mortgage, the Registrar on receiving a certificate, Form 10, etc., shall register the same.

The statutory form of discharge refers to a registered mortgage.

Every registered mortgage, therefore, in my opinion, should be discharged by a separate statutory form of certificate, and in this case there should be a separate discharge for each mortgage registered, as they are all separate and distinct instruments.

WRONG DESCRIPTION IN MORTGAGE—REMEDY

It appears that an original mortgage in 1917 was on lot 4, concession 9, E. H.—, and should have been on lot 5, and now an assignment of that mortgage, which mentions the land as lot 5, is produced for registration.

The mortgage on lot 4 in 1917 is given on the wrong lot and should be discharged and a discharge registered against lot 4, and the mortgagor should execute a new mortgage covering lot 5. A Registrar should immediately point out cases like this to the solicitor or party who has submitted the assignment for registration. I do not see what use the registration of the present assignment would be, as, according to the record, there is no mortgage registered on lot 5.

REGISTRAR NOT TO EXPRESS OPINIONS ON TITLE

A Bank asks a Registrar to answer two questions, namely:

1. In whose name does certain named property stand?
2. What are the encumbrances against this named property?

These are clearly questions relating to "ownership" and "encumbrances." Any answer given by a Registrar of deeds as to ownership or encumbrances necessarily involves the giving of an opinion about the title, which the Registrar is expressly forbidden by the Statute to do. See section 19, subsection 1, of *The Registry Act*.

What a Registrar can give, however, is an abstract of the title, which will show instruments registered upon that title. If an abstract is not required from the Crown but the Bank only wishes to be advised as to instruments bearing on the abstract from and after the registration of a certain named deed or instrument to a certain named party which can be identified on the abstract, then the Registrar could prepare such an abstract and send it to the Bank for examination.

If the Bank wrote and asked for an abstract of the south half of lot 2 in the 9th concession of S—, from and inclusive of the registration of the deed in which Jno. Smith is a grantee, being registered No. — (fill in the registered number if possible), a Registrar could send such an abstract.

Such an abstract, however, might not be satisfactory information as there might be mortgages upon the property prior to the registration of Jno. Smith's deed, and also, although Jno. Smith appears to be the registered owner of the land, yet it might be found upon examination of the title that he did not have a good title to the land in question.

It is not within the province of the Registrar, therefore, to give any information over his signature in regard to ownership of property or the existing encumbrances, but a Registrar can prepare and send abstracts of the instruments that are registered against any particular title.

AMENDED PLANS—PROCEDURE

What you apparently desire to do is to cancel the plan of a subdivision of a block of land within the town of B—, and to have a new plan prepared which will close certain streets.

You do not say whether any sales of lands have been made under the present registered plan or whether the land embraced in the plan is owned by one party.

The practice adopted has been to proceed before the County Judge under section 86 of *The Registry Act*, Chap. 124, R.S.O. 1914.

A new plan as amended would have to be prepared and registered and have endorsed thereon the Judge's order. The streets, of course, would have to be closed after giving such notice to the municipality as the Judge might require.

The registered plan as now registered is not cancelled, but what is done is the registration of a new amended plan.

An amended plan might be registered without the Judge's order as provided under section 86 if none of the lots had been sold or dealt with in any way or no person or public party would in any way be concerned or affected except the owner, and if no streets were to be closed, but in your case you are closing streets.

Of course any amended plan made by you would have to be made in pursuance of the provisions of the Act relating to the preparation of plans.

CAN A CERTIFIED COPY OF A RELEASE OF FORFEITURE GRANTED BY THE PROVINCIAL SECRETARY BE REGISTERED?

In my opinion only the original release or a copy certified by the Registrar of the Registry Division in which the original has been registered may be received for registration.

A certified copy means a copy authorized to be certified, e.g. the copy referred to in section 22 or 44 of *The Registry Act*.

The original release, therefore, could be registered, and certified copies given by the Registrar where the original has been registered could be accepted for registration in other Registry Divisions.

EXECUTOR OF AN EXECUTOR CAN DISCHARGE A MORTGAGE

A statutory certificate of a discharge of mortgage may be validly signed by the executors of an executor of a deceased mortgagee.

A discharge of mortgage executed by the executors of the will of Helen R—, who was sole executrix of George R—, is a proper one to be received and registered. They are the persons entitled by law to receive the mortgage money.

Registrars will show, however, in the Abstract Index the capacity in which the parties who signed the certificate of discharge profess to act in so doing.

PLAN WITH DIVIDED OWNERSHIP—CHARGE FEES AS ONE PLAN

A Registrar has a plan with a divided ownership and as there are two abstract indices to be opened and two titles to be searched, he asks whether a plan of this kind should be charged as two separate plans.

There is only one plan and therefore there should be only one charge made for registering that plan. However, as two titles require searching, a Registrar would be entitled to charge the proper fees for making search in each case.

I do not know whether it is the general practice of Registrars to make an abstract of the search and place it in the index book on a page immediately prior to the opening up of the new lands on the plan, but this should be done in my opinion.

There does not appear to be any fixed fee for this work and I think Registrars should apply to the Inspector under section 93 to fix fees in this connection, and at the same time send their memorandum of fees for this matter. Of course, abstract indices of all the lots for both owners should be opened.

RE DISCHARGE OF MORTGAGE RELEASE AND RECONVEYANCE

Where mortgages are of small amounts and the mortgagee is deceased and the widow cannot well afford to take out Letters of Administration, a quit claim or release and reconveyance, properly signed by the widow and all the heirs-at-law, the Official Guardian approving on behalf of infants, with the consent to registration endorsed thereon, in accordance with the provisions of Sections 1 and 2, 9 Geo. V, Chap. 28, *The Devolution of Estates Act*, could be accepted by a Registrar for registration.

DISCHARGE OF MORTGAGE—ALL INSTRUMENTS SHOWING RIGHT TO DISCHARGE TO BE REGISTERED

A discharge of mortgage is a creature of the Statute, and a discharge reciting various assignments, amongst which is an assignment from an administrator of an estate, must set out particulars of the granting and registration of Letters of Administration.

Section 65 of *The Registry Act* requires that all instruments showing the right to discharge must be registered, no matter in what order, before the discharge can be registered.

A Registrar should refuse registration of such a discharge unless these particulars are inserted.

This omission, however, could not prevent the administrator from receiving money and executing the discharge, but before the discharge may be registered, the facts as to the grant and registration must be stated.

MEMORANDUM RE DEPOSITING PLANS UNDER RAILWAY ACTS AND HIGHWAY ACTS

No provision being made in *The Registry Act* for fees for depositing or filing plans, and it appearing that different fees are being charged for this work, with a view of making the fees uniform, and under the provisions of Section 93, I hereby fix the fees for the said work as follows:

For filing or depositing any plans in Registry Offices under a Dominion or Provincial Statute (e.g. Railway Act or Highway Act) where no express provision is made in those Statutes for fees..... \$5.00

This fee of \$5.00 includes all necessary entries connected with depositing and filing plans.

For any certificate given as to depositing and filing such plans..... 50c.

RE REGISTRATION OF ORDERS-IN-COUNCIL

There does not seem to be any express provision made in *The Registry Act* for registration of such a document, but it would come within the general words at the end of Clause D of Section 2 of *The Registry Act*, namely, "An instrument whereby land in Ontario is affected."

The definition of the word "instrument" in the Act in Section 2, includes Orders-in-Council of the Dominion, and this Order is an instrument, therefore, transferring certain portions of land.

Orders-in-Council are registered by depositing a copy of the Order, certified by the Clerk, of the Council, so that the original may be left in the Registry Office. A copy verified by an affidavit is not a certified copy.

A blue print attached may be considered part of the description and could be attached to the Order-in-Council to be registered. The Order should, of course, be copied in the Registry Book and proper entries made against the lands affected in the index book.

JUDGE'S CERTIFICATE UNDER SECTION 41, REGISTRY ACT, CONCLUSIVE

It is not the duty of a Registrar to enquire whether the Judge should have given the certificate or not.

All that the Registrar is concerned with is to make sure that the proper certificate, "Form 7," is endorsed upon the instrument and duly signed by the Judge, and if satisfied as to this and that the Statute has been complied with, the Statute provides that he shall register the instrument.

REGISTRATION OF CERTIFIED COPIES OF DISCHARGES OF MORTGAGES RECEIVED FROM OTHER REGISTRY OFFICES

The facts in this particular case referred to me appear to be as follows:

G. & Co. gave to the M. Bank and the C. B. of C. a mortgage upon certain lands in the County of H—, which mortgage bears date the 15th day of June, 1901, and was registered on the 6th day of July, 1901, in the Registry Office for the County of H—.

A discharge of this mortgage was registered in the County of H—, in the Registry Office on the 23rd day of September, 1904. The Registrar of Deeds for the County of H— has sent to the Registrar of the County of N— for registration a certified copy of this discharge of mortgage so registered in his office. On examining the certified copy of the discharge of mortgage the same appears to comply with the requirements of Section 44 of *The Registry Act*.

On receipt of this certified copy of discharge, the Registrar for the County of N— finds a mortgage given by G. & Co., bearing date 15th day of June, 1901, to the M. Bank and the C. B. of C. upon certain lands in the Township of M—, County of N—, which mortgage was registered on the 6th day of July, 1901.

This mortgage registered in the office for the County of N— is apparently given by the same mortgagors to the same mortgagees and bears the same date as the mortgage registered in the County of H—, but the mortgage registered in the office for the County of N— contains no other land outside of that Registry Division, and of course there is no other certificate of registration endorsed upon it other than the certificate of the office for the County of N—.

The certified copy sent contains no recitals whatever of the mortgage in the office for the County of N—, and the only mark of identification that the mortgage registered in the office for N— bears to the mortgage registered in the office for H—, which is discharged by the certificate of discharge, is the fact that the mortgage discharged bears the same date and the same parties as the mortgage registered in the office for N—.

From these facts my opinion is that these are two separate mortgages, one registered in H— County and one registered in the Registry Office for N— County. One discharge of mortgage cannot discharge two separate mortgages and therefore the certified copy of the certificate of discharge of mortgage received at N— office should not be accepted for registration.

I would point out, however, that had the original mortgage which is registered in the office for N—— been a duplicate of the mortgage registered in H—— County, setting out not only lands in H—— County but also in N—— County with the same parties as mortgagors and mortgagees, bearing the same date and having endorsed upon it the certificate of registration, certifying as it does the registration in H—— County, then my opinion would be that a certified copy of a discharge of the mortgage received from another Registry Office, so identifying beyond a question the mortgage received in N—— office, could be accepted for registration.

In all such cases one could not consider them as two separate mortgages and there would be no difficulty in identifying the mortgage registered in N—— office with the mortgage registered in the office of the County of H—— and being the mortgage intended to be discharged by the certified copy of the discharge which was registered in the H—— Registry Office and presented for registration to the office at N——.

In all such cases, however, I think that the Registrar would be entitled to a fee for a search of the original mortgage in his office; also, when the same is registered, a note should be made in the column for remarks in the Abstract Index, that the discharge is registered by a certified copy and does not expressly give particulars regarding the registration of the mortgage.

RE DEEDS OF TRUST AND MORTGAGES TO SECURE ISSUE OF BONDS

A deed of trust and mortgage to secure the issue of bonds—M. B. Company to the N. T. Co.—is really a mortgage and usually is so styled as a mortgage throughout, the lands mentioned therein being referred to specifically as "The Mortgaged Premises."

The operative words used are "grants, mortgages and charges," and such an instrument is undoubtedly a mortgage given to a trustee to secure the issue of bonds.

It usually has all the incidents of a mortgage with power to redeem and power to foreclose, and notwithstanding that such instrument contains many special covenants and provisions, yet such clauses I deem to be incidental to a mortgage security of this particular description, and is simply a mortgage to secure bonds containing provisions usual in such instruments.

In the absence of any special provisions in it that would make it other than a mortgage or which would appear to be other than incidental to a mortgage, in my opinion such an instrument is one which may be endorsed as "not to be registered in full."

DISCHARGE OF MORTGAGE ORIGINALLY GIVEN TO AN ADMINISTRATOR

A mortgage is given by "A" to "B," "B" taking the mortgage as administrator, "B" then, as administrator, assigns the mortgage to "C." "A" pays the mortgage off to "C" and brings in for registration an ordinary discharge reciting the facts concerning the assignment.

Letters of administration in such cases are not required to be registered as the mortgage is not given to a deceased person, but is given to an administrator of a deceased person.

ERROR IN DESCRIPTION—SUGGESTIONS

An instrument, which apparently sets out the correct lot number and whose description is practically correct with the exception of the omission of the name

of the surveyor, comes within the provisions of Section 34 of *The Registry Act*, as being an instrument affecting land without local description.

If a statutory declaration were attached to the instrument, as provided by that section, I think that the instrument could be accepted for registration.

RE REGISTRATION OF LUNACY ORDERS IN SEVERAL REGISTRY OFFICES

Where it is necessary to register such orders in several Registry Offices, certified copies from the proper officer at Osgoode Hall could be obtained and forwarded, and the original order could be kept and have the endorsements *re* registration made on it.

If the original, however, and a copy has been sent to an office for registration, the Registrar would keep the original and return the copy; and if further registrations were required in other offices, certified copies as above could be obtained and registered or certified copies of the original order so registered could be obtained from the Registrar in whose office the original is, and such certified copies could be registered in other offices. See Section 44 of *The Registry Act*.

DISCHARGES OF MORTGAGES BY AMALGAMATED BANKS

The assets of a selling bank are usually purchased by a purchasing bank in pursuance of an agreement entered into for that purpose.

This agreement is then approved by Order-in-Council, and when approved, under the provisions of Section 110 of *The Bank Act*, Chap. 32, 13 and 14 Geo V, Canada, the assets, therein referred to as sold and purchased subject to the terms of the agreement and without any further conveyances becomes vested in the purchasing bank.

If, therefore, all the assets are included in the agreement amongst which are mortgages, even although there is no formal assignment, become vested in the purchasing bank, who then becomes the party entitled by law to receive the money on such mortgages and to execute the statutory discharge of the same.

Section 110 (2) of the said *Bank Act* gives certain powers to the selling bank, which powers are only to be exercised subject to the terms of the agreement, and just what the terms of the agreement are in respect to the selling bank, dealing with any mortgages and their powers in connection with collecting the moneys on the same and executing discharges, would require an examination of the agreement itself.

Section 111 of *The Bank Act* also gives certain powers to the selling bank and provides that it shall only transact such business as is necessary to enable it to carry out the terms of the agreement and to realize upon any assets not included in the agreement.

Therefore, unless any mortgage is an asset that is not included in the agreement but is excepted therefrom, the selling bank, if the agreement has been approved by the Governor-in-Council, cannot possibly be deemed to be the party entitled by law to receive the money and cannot execute the statutory discharge of mortgage.

If any such discharge executed by a selling bank after amalgamation and after the agreement had been approved by the Governor-in-Council were presented for registration, it would be necessary to examine the agreement in order to ascertain if the particular mortgage discharged by the selling bank were excepted from the assets mentioned in the agreement in order to be satisfied that the selling bank had been given power to deal with such mortgage and execute a discharge of the same and was the party entitled by law to receive the money.

Nearly every agreement, however, is drawn to cover all the assets of the selling bank and in all such cases the discharge of mortgage must be executed by the purchasing bank.

It appears that no formal order by the Governor-in-Council is prepared in these matters, the minute of the Treasury Board becoming an Order-in-Council when approved by His Excellency the Governor-General in Council, and such minute is usually endorsed upon the agreement itself.

Before any discharge of mortgage can be registered, this agreement and Order-in-Council must be registered because proof must be given that the party executing the statutory form of discharge of mortgage is the person entitled by law to receive the money and to discharge the mortgage, and this can only be found by examination of the agreement itself.

The following is a proper clause to be placed in a discharge given by amalgamated banks:

"that such mortgage has been assigned by agreement dated the.....day of.....made between the Bank of.....and the Bank of....., which said agreement has been approved by His Excellency the Governor-General in Council on the.....day of.....under the provisions of The Bank Act, and has been especially assigned from the said Bank of.....to the said Bank of.....by virtue of the provisions of section 110 of the Bank Act, chap. 32, 13 and 14 Geo. V, Stat. of Canada, which said agreement and Order in Council were registered in the Registry Office for the Registry Division for the County of.....etc."

RE DEVOLUTION OF ESTATES ACT—DUTY OF REGISTRAR TO ENQUIRE IF INSTRUMENTS PRESENTED FOR REGISTRATION ARE WITHIN THE ACT

What is the duty, if any, cast upon a Registrar when an instrument signed by several persons is presented for registration to ascertain whether the said instrument falls within the provisions of section 13 (7) of *The Devolution of Estates Act* as enacted by Section 1 of Chap. 28, Ontario Statutes, 1919?

The section of the Act referred to is limited to real property: (1) that devolves by reason of any will that has not been proved or registered; and (2) that devolves by reason of any intestacy in respect of which letters of administration have not been granted.

The section distinctly and clearly states that such property shall not vest after the expiration of three years, unless a statement required by *The Succession Duty Act* has been filed, etc., and further provides that any deed, conveyance, etc., purporting to convey, transfer, etc., such real property shall not be registered unless accompanied by a certificate of the Registrar of the Surrogate Court, etc.

There is no duty cast upon a Registrar to make a search for the purpose of ascertaining whether such instrument presented for registration falls within the provisions of this section. If the instrument, however, contains recitals which would indicate that it falls within the provisions of the section, or, in the absence of recitals, if the Registrar from his own personal knowledge has any intimation that such instrument falls within the provisions of the section, then it is his duty to refuse registration until the provisions of section 7 have been complied with.

In cases where letters of administration or probate have been issued, the production of the same for the inspection of the Registrar, with a statutory declaration covering the point would, I think, be sufficient proof and evidence to enable the Registrar to register the instrument.

It might be said that as the property had become vested in the parties entitled thereto prior to the passing of Chap. 28, 9 Geo. V, that that Act does not apply.

While 9 Geo. V, chap. 28, is not retroactive and therefore does not divest property already vested in the persons beneficially entitled thereto under the law as it stood prior to the passing thereof, nevertheless Registrars of Deeds from the date of the passing of that Statute are prohibited from accepting for registration instruments without the consent therein mentioned of persons that purport to convey, transfer or assign such land.

Whether or not the property would pass when a quit claim deed is presented for registration containing no recitals and the Registrar has no personal knowledge that would cause the same to fall within the provisions of the section and the same is registered, of course is not a question for the Registrar but is one of title, and the effect on the title of such a registration would require consideration by solicitors acting for the grantee and the parties subsequently dealing with the land.

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Government
Publications

REPORT
OF THE
INSPECTOR OF LEGAL OFFICES
ONTARIO
1926

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO



TORONTO

Printed and Published by the Printer to the King's Most Excellent Majesty
1927

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OF THE
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1927



TO HIS HONOUR, W. D. ROSS, ESQ.,
Lieutenant-Governor of the Province of Ontario.

MAY IT PLEASE YOUR HONOUR:

The undersigned begs respectfully to present to Your Honour the Annual Report of the Inspector of Legal Offices for the year ending 31st December, 1926.

W. H. PRICE,
Attorney-General.

Toronto, March, 1927.

91982

REPORT

of the

Inspector of Legal Offices

Ontario, 1926

TO HIS HONOUR W. D. ROSS, ESQ.,
Lieutenant-Governor of the Province of Ontario.

SIR,—I have the honour to present my second Annual Report as Inspector of Legal Offices for the year ending December 31st, 1926.

I have well covered the Province and inspected the various offices, some of them twice, and on the whole I find the same well and satisfactorily conducted.

The Assistant Inspectors who look after Division Court offices and a portion of the Police Magistrate offices also report that the offices inspected are, on the whole, well conducted.

During the year I endeavoured to improve the vault and filing conditions in the different offices, which I found in several offices to be insufficient and not up to date. I arranged for increased vault accommodation and the installation of modern and up to date filing systems in several offices.

I also instituted throughout the various offices uniformity in matters of practice and charging of fees.

The revenue payable to the Province from the different public offices under my supervision and collected by this office for the year 1926 amounted to the sum of \$695,962.22, made up as follows:

Police Magistrates, fines and fees.....	\$490,893 18
(\$333,882.70 of this amount was paid direct to Inspectors O.T.A., but reported to me.)	
Local Registrars, S.C.O., County Court and District Court Clerks and Surrogate Registrars.....	76,356 31
Crown Attorneys and Clerks of the Peace.....	39,215 87
Sheriffs.....	17,607 96
Registrars of Deeds and Local Masters of Title— Total collected \$29,788.06, from which should be deducted the salaries of staff of following offices, Algoma, Land Titles, Nipissing, Cochrane and Temiskaming, leaving net revenue.....	8,723 06
Division Court Clerks and Bailiffs.....	48,750 57
Estreats and Forfeitures.....	8,316 20
Miscellaneous.....	269 32
Bankruptcy Fees.....	5,829 75
Total.....	\$695,962 22

I attach hereto the following schedules with statements in reference to the offices generally, and notes on such of my observations as seem to me to be of interest to the various officers, the profession and others having business transactions with the respective offices:

1. Financial statement of judicial offices, namely: Sheriffs, Surrogate Judges
Local Masters, S.C.O., Crown Attorneys and Clerks of the Peace, Local Registrars, County and District Court Clerks and Surrogate Registrars.
2. Financial statement respecting the officers at Osgoode Hall.
3. Financial statement respecting Police Magistrates.
4. Financial statement respecting Division Courts.
5. Financial statement respecting Registrars of Deeds.
6. Financial statement respecting Land Titles Offices.
7. Observations made by the Inspector.

All of which is respectfully submitted.

I have the honour to be, Sir,

Your obedient servant,

I. A. HUMPHRIES,
Inspector of Legal Offices.

Toronto, March 21st, 1927.

SURROGATE CLERK'S OFFICE

REPORT FOR 1926

1. Notices received for Probate Estates.....	7,667
2. Notices received for Administrations.....	3,893
Total Estates.....	11,560
FEES	
Fees on 11,560 Estates.....	\$6,075 70
Fees on 69 Guardianship Applications.....	34 50
Fees on 134 Caveats.....	67 00
Fees on 10 Supreme Court Orders.....	8 00
Fees on two Deeds of Election.....	1 60
Fees for Searches, 294.....	147 00
Fees for copying wills.....	24 15
Total fees for office.....	\$6,357 95

REPORT OF THE BUSINESS OF THE ADMINISTRATIVE BRANCH FOR THE YEAR
ENDING WITH THE 31ST OF DECEMBER, 1926—SENIOR
REGISTRAR'S DEPARTMENT

Number of Writs of Summons issued (of which 63 were concurrent writs).....	3,296
Actions entered in Procedure Book, commenced by writs issued during the year 1926.....	1,157
Actions entered in Procedure Book transferred from County Court during 1926..	13
Actions entered in Procedure Book commenced by writ during previous years....	86
Actions entered in Procedure Book otherwise than by writ.....	307
Praecipe Orders issued.....	165
Records passed.....	318
Writs of Execution, Fi. Fa. issued.....	918
Writs of Execution, Renewal, Alias and Pluries Writs issued.....	224
Special Writs (Habeas Corpus, etc.) issued.....	25
Actions entered for trial (with Jury).....	134
Actions entered for trial (without Jury).....	368
Amount of Jury Fees paid City Treasurer.....	\$342 00
Court Orders.....	742
Chambers Orders.....	3,416
Deed Polls entered and filed.....	123
Judgments entered without trial.....	159
Judgments entered after trial.....	199
Judgments entered in Chambers.....	71
Judgments under Consolidated Rule 600.....	6
Judgments in default; mortgage actions.....	904
Judgments in default; ordinary actions.....	222
Judgments in Mechanics' Liens.....	33
Interlocutory Judgments.....	8
Judgments entered in respect of Writs issued, 1913.....	1
Judgments entered in respect of Writs issued, 1916.....	1
Judgments entered in respect of Writs issued, 1919.....	1
Judgments entered in respect of Writs issued, 1920.....	4
Judgments entered in respect of Writs issued, 1921.....	4
Judgments entered in respect of Writs issued, 1922.....	6
Judgments entered in respect of Writs issued, 1923.....	7
Judgments entered in respect of Writs issued, 1924.....	31
Judgments entered in respect of Writs issued, 1925.....	281
Judgments entered in respect of Writs issued, 1926.....	1,258
Total Judgments entered.....	1,612
Judgments from Outer Counties recorded.....	1,099
Petitions received under The Quieting Titles Act.....	14
Certificates of Title granted under The Quieting Titles Act.....	5
Amount recovered on Judgments exclusive of costs.....	\$5,800,281 45
Amount of taxed costs (including disbursements on Judgments of all kinds).....	\$73,567 52
Mechanics' Lien Orders.....	285
Attorney-General Orders.....	69
Fiats entered.....	783
Fees paid in Law Stamps Office of Inspector and Referee of Quieting Titles.....	\$195 80
Fees paid in Law Stamps in Senior Registrar's Office.....	\$27,103 00
Fees paid in Law Stamps in Appellate Division.....	\$1,975 60

Financial Statement

Sheriffs.

Surrogate Judges.

Local Masters, S.C.O.

Crown Attorneys and Clerks of the Peace.

Local Registrars, S.C.O.

County and District Court Clerks.

Surrogate Registrars.

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
			\$ c.	\$ c.	\$ c.
ALGOMA:					
Sault Ste. Marie.....	Sheriff.....	C. M. Macreath.....	3,291 92	1,000 00	4,291 92
	Surrogate Judge.....	Judge Stone.....		1,000 00	
	Local Master.....	" ".....			
	" ".....	Judge Hall.....	202 40		202 40
	Crown Attorney.....	W. G. Atkin.....	4,173 10	400 00	4,573 10
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	T. J. Foster.....	3,332 70	750 00	4,082 70
	District Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
BRANT:					
Brantford....	Sheriff.....	J. W. Westbrook.....	3,276 52		3,276 52
	Surrogate Judge.....	Judge Hardy.....	1,000 00		
	Local Master.....	" ".....			
	Crown Attorney.....	W. M. Charlton, K.C.....	4,065 12		4,065 12
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	†W. M. Charlton, Actg.....	6,075 18	675 00	6,750 18
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
BRUCE:					
Walkerton....	Sheriff.....	D. M. Jermyn.....	2,101 70		2,101 70
	Surrogate Judge.....	a* Judge Klein.....	1,000 00		
	Local Master.....	" ".....			
	Crown Attorney.....	J. W. Freeborn.....	3,637 62		3,637 62
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	R. E. Clapp.....	4,023 32	675 00	4,698 32
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
CARLETON:					
Ottawa.....	Sheriff.....	G. C. Richardson.....	9,613 75		9,613 75
	Surrogate Judge.....	Judge Mulligan.....	1,000 00		
	Local Master.....	F. A. Magee.....	2,401 65		
	Local Registrar.....	" ".....	2,570 50		4,972 15
	Crown Attorney.....	J. A. Ritchie.....	4,329 14		4,329 14
	Clerk of the Peace.....	" ".....			
	County Court Clerk.....	bC. L. Bray.....	11,373 95		11,373 95
	Surrogate Registrar.....	" ".....			
COCHRANE:					
Cochrane....	Sheriff.....	J. D. Mackay.....	4,753 73	1,185 00	5,938 73
	Surrogate Judge.....	Judge Caron.....	1,000 00		
	Local Master.....	" ".....			
	Crown Attorney.....	cS. A. Caldbick.....	2,564 84	384 99	2,949 83
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	W. L. Warrell.....	2,931 43	600 00	3,531 43
	District Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			

a Judge Klein retired from 11th October, 1926; J. W. Freeborn acted for remainder of year.

b C. L. Bray appointed by Order-in-Council 14th October, 1926; Mr. Pratt having died 28th September, 1926.

c S. A. Caldbick appointed by Order-in-Council 21st October, 1926; Mr. J. M. Greer having resigned.

†H. J. Wallace appointed by Order-in-Council 3rd May, 1927.

*No returns received.

the Province of Ontario for the year ending December 31, 1926.

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
1,044 91	3,247 01		3,247 01	1,000 00			Algoma.
				2 00			
	202 40		202 40				
720 00	3,853 10	176 55	3,676 55				
484 00	3,598 70	199 35	3,399 35		893 50	844 75	
645 11	2,631 41		2,631 41				Brant.
			1,000 00	18 40			
236 75	3,828 27	164 18	3,664 19				
2,414 73	4,335 45	571 43	3,764 02		1,970 00	2,822 80	
977 09	1,124 61		1,124 61				Bruce.
			1,000 00				
244 70	3,393 62		3,393 62				
860 00	3,838 32	319 16	3,519 16		1,202 30	1,869 25	
3,115 10	6,498 64		6,498 64				Carleton.
			1,000 00	2,401 65			
1,132 60	3,839 55		3,839 55		79 50		
475 87	3,853 27	176 63	3,676 64				
3,776 22	7,597 73	3,237 95	4,359 78		8,811 30	17,201 95	
2,224 41	3,714 63		3,714 63				Cochrane.
			1,000 00	40 40			
291 29	2,678 54		2,678 54				
570 68	2,960 75	46 07	2,914 68		450 00	271 80	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
			\$ c.	\$ c.	\$ c.
DUFFERIN:					
Orangeville...	Sheriff.....	H. Endacott.....	1,532 21		1,532 21
	Surrogate Judge.....	a Judge Scellen.....	1,000 00		
	Local Master.....	" ".....			
	Crown Attorney.....	b J. L. Island.....	940 65	1,270 00	2,210 65
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. A. V. Preston.....	1,988 26	675 00	2,663 26
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
ELGIN:					
St. Thomas...	Sheriff.....	P. S. D. Harding.....	3,894 86		3,894 86
	Surrogate Judge.....	Judge Ross.....		1,000 00	
	Local Master.....	C. F. Maxwell.....	67 25		67 25
	Crown Attorney.....	A. McCrimmon.....	4,353 24		4,353 24
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	I. D. Cameron.....	4,520 35	675 00	5,195 35
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
ESSEX:					
Sandwich.....	Sheriff.....	C. N. Anderson.....	10,761 43		10,761 43
	Surrogate Judge.....	Judge Coughlin.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	J. S. Allan.....	12,597 97	5,000 00	17,597 97
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	c Henry Clay.....	11,975 62	675 00	12,650 62
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
FRONTENAC:					
Kingston.....	Sheriff.....	R. F. Vair.....	3,431 26		3,431 26
	Surrogate Judge.....	Judge Lavell.....		1,000 00	
	Local Master.....	J. B. Walkem, K.C....	273 57		273 57
	Crown Attorney.....	T. J. Rigney, K.C....	4,527 14		4,527 14
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	C. H. Wood.....	2,856 43	675 00	3,531 43
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	Helen Fraser.....	2,593 35		2,593 35
GREY:					
Owen Sound..	Sheriff.....	J. S. Wilson.....	3,778 20		3,778 20
	Surrogate Judge.....	Judge Sutherland.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	d T. H. Dyre.....	2,271 25	3,010 00	5,281 25
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	T. J. Rutherford.....	4,897 20	750 00	5,647 20
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
HALDIMAND:					
Cayuga.....	Sheriff.....	M. McConnell.....	1,983 72		1,983 72
	Surrogate Judge.....	Judge Hopkins.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	Harrison Arrell.....	2,520 15		2,520 15
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. C. Eccles.....	2,385 25	600 00	2,985 25
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			

a Judge Scellen appointed by Order-in-Council 27th July, 1926; Judge Fisher having died. Judge Scellen died 1st April, 1927. J. C. Moore appointed by Order-in-Council 17th May, 1927.

b J. L. Island's fees commuted at \$1,270.00 per annum from 2nd February, 1926.

c Henry Clay died 31st May, 1926; J. S. Allan acted for the remainder of the year. W. B. S. Craig appointed by Order-in-Council 22nd December, 1926.

d T. H. Dyre's fees commuted at \$3,010.00 per annum.

the Province of Ontario for the year ending December 31, 1926.—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
536 92	995 29		995 29				Dufferin.
			1,000 00				
46 16		940 65	1,270 00				
118 40	2,544 86	5 95	2,538 91		475 80	793 80	
							Elgin.
1,769 01	2,125 85		2,125 85				
			1,000 00				
	67 25		67 25				
709 45	3,644 24	71 89	3,572 35				Essex.
1,398 00	3,797 35	298 67	3,498 68		1,404 20	2,173 80	
4,190 77	6,507 06	66 67	6,440 39				Frontenac.
			1,000 00	459 40			
2,457 23	15,140 74	10,140 74	5,000 00				
2,927 50	9,723 12				7,429 70	4,926 70	
							Grey.
1,068 03	2,363 23		2,363 23				
			1,000 00				
75 50	198 07		198 07				
562 49	3,964 65	232 33	3,732 32				Haldimand.
715 95	2,815 48	20 42	2,795 06		401 50		
300 00	2,293 35		2,293 35		898 70	1,821 80	
1,375 10	2,403 10		2,403 10				Haldimand.
			1,000 00	65 30			
1,252 00	4,029 25	1,019 25	3,010 00				
940 00	4,707 20	763 50	3,943 70		1,468 70	2,073 00	
							Haldimand.
332 39	1,651 33		1,651 33				
			1,000 00	14 90			
600 00	1,920 15		1,920 15				
223 25	2,762 00	26 20	2,735 80		632 70	1,108 85	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
			\$ c.	\$ c.	\$ c.
HALTON:					
Milton.....	Sheriff.....	S. Webster.....	2,688 86		2,688 86
	Surrogate Judge.....	Judge Elliott.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	W. I. Dick.....	3,916 37		3,916 37
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	W. J. McClenahan.....	3,558 55	600 00	4,158 55
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
HASTINGS:					
Belleville.....	Sheriff.....	J. H. Clare.....	3,624 44		3,624 44
	Surrogate Judge.....	Judge Wills.....		1,000 00	
	Local Master.....	S. S. Lazier.....	Commuted at \$3,000		
	Deputy Registrar.....	" ".....			
	Crown Attorney.....	B. C. Donnan.....	6,057 77		6,057 77
	Clerk of the Peace.....	" ".....			
	Deputy Clerk of the Peace.....	" ".....			
	Crown.....	J. A. Kerr.....	5,815 83	450 00	6,265 83
	Surrogate Registrar.....	" ".....			
HURON:					
Goderich.....	Sheriff.....	R. G. Reynolds.....	3,447 50		3,447 50
	Surrogate Judge.....	Judge Lewis.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	†C. Seager, K.C.....	3,454 36		3,454 36
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	aD. McDonald.....	6,606 49	747 04	7,353 53
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
KENORA:					
Kenora.....	Sheriff.....	J. W. Humble.....	1,714 91	1,000 00	2,714 91
	Surrogate Judge.....	b*Judge Chapple.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	*H. P. Cooke, K.C.....			
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. N. Ladouceur.....	941 07	700 00	1,641 07
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
KENT:					
Chatham.....	Sheriff.....	E. W. Hardey.....	5,191 71		5,191 71
	Surrogate Judge.....	c*Judge Stamworth.....			
	Local Master.....	" ".....			
	Crown Attorney.....	H. D. Smith, K.C.....	7,973 40		7,973 40
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	D. E. Douglas.....	6,808 00	675 00	7,483 00
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
LAMBTON:					
Sarnia.....	Sheriff.....	A. J. Johnston.....	3,232 92		3,232 92
	Surrogate Judge.....	*Judge Taylor.....			
	Local Master.....	" ".....			
	Crown Attorney.....	F. W. Willson.....	5,025 61		5,025 61
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	Alex. Saunders.....	4,620 65	675 00	5,295 65
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			

aD. McDonald resigned from 11th September, 1926; C. Seager acted for balance of year.
 R. Johnston appointed by Order-in-Council 31st January, 1927.

bJudge Chapple died 13th November, 1926; Judge McKay, of Port Arthur, taking care of the work for the remainder of the year.

cJudge Stamworth died 25th May, 1927; H. D. Smith acting.

†C. Seager resigned. Dudley Holmes appointed by Order-in-Council 31st January, 1927.

*No returns received.

the Province of Ontario for the year ending December 31, 1926.—Continued.

Total office disburse- ments	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
1,224 85	1,464 01		1,464 01				Halton.
			1,000 00	38 62			
441 94	3,474 33		3,474 33				
69 05	4,089 50	444 60	3,644 90		1,103 30	1,965 50	
1,128 52	2,495 92		2,495 92				Hastings.
			1,000 00				
			3,000 00				
1,474 23	4,583 54	541 77	4,041 77				
1,512 80	4,753 03	776 52	3,976 51		1,226 70	2,217 50	Huron.
951 17	2,496 33		2,496 33				
			1,000 00	32 00			
160 30	3,294 06		3,294 06				
1,912 05	5,441 48	1,466 17	3,975 31		3,628 20	2,530 95	Kenora.
751 44	1,963 47		1,963 47				
80 00	1,561 07		1,561 07		178 00	90 40	
2,115 31	3,076 40		3,076 40				Kent.
1,650 00	6,323 40	1,411 70	4,911 70				
1,766 90	5,716 10	1,544 49	4,171 61		2,411 10	3,483 40	
755 25	2,477 67		2,477 67				Lambton.
1,264 92	3,960 69	130 35	3,580 34				
900 00	4,395 65	597 83	3,797 82		1,847 50	2,471 50	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
			\$ c.	\$ c.	\$ c.
LANARK: Perth.....	Sheriff.....	J. H. Ebbs.....	1,977 96		1,977 96
	Surrogate Judge.....	Judge Scott.....	1,000 00		
	Local Master.....	" ".....			
	Crown Attorney.....	C. H. McKimm.....	3,762 81		3,762 81
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. S. L. McNeely.....	3,547 01	675 00	4,222 01
	County Court Clerk.....	" ".....			
LEEDS AND GRENVILLE: Brockville....	Surrogate Registrar...	" ".....			
	Sheriff.....	J. A. McCammon....	3,906 17		3,906 17
	Surrogate Judge.....	Judge Dowsley.....		1,000 00	
	Local Master.....	" ".....			
	" ".....	Judge Reynolds.....	229 36		229 36
	Crown Attorney.....	M. M. Brown.....	4,540 37		4,540 37
	Clerk of the Peace.....	" ".....			
LENNOX AND ADDINGTON: Napanee.....	Local Registrar.....	A. E. Baker.....	5,223 35	750 00	5,973 35
	County Court Clerk.....	" ".....			
	Surrogate Registrar...	" ".....			
	Sheriff.....	C. W. Vandervoort...	2,153 49		2,153 49
	Surrogate Judge.....	Judge Madden.....		1,000 00	
	Local Master.....	S. S. Lazier.....	116 90		116 90
	Crown Attorney.....	U. M. Wilson.....	2,635 26		2,635 26
LINCOLN: St. Catharines.	Clerk of the Peace.....	" ".....			
	Local Registrar.....	W. P. Deroche.....	1,955 31	600 00	2,555 31
	County Court Clerk.....	" ".....			
	Surrogate Registrar...	" ".....			
	Sheriff.....	H. O'Loughlin.....	5,126 27		5,126 27
	Surrogate Judge.....	Judge Campbell.....		1,000 00	
	Local Master.....	" ".....			
MANITOULIN: Gore Bay.....	Crown Attorney.....	E. H. Lancaster.....	4,153 85		4,153 85
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	E. J. Lovelace.....	5,343 55	675 00	6,018 55
	County Court Clerk.....	" ".....			
	Surrogate Registrar...	" ".....			
	Sheriff.....	J. H. Fell.....	1,145 42	950 00	2,194 42
	Surrogate Judge.....	Judge Hewson.....		1,000 00	
MIDDLESEX: London.....	Local Master.....	" ".....			
	Crown Attorney.....	W. F. McRae.....	1,751 50	250 00	2,001 50
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	C. C. Platt.....	606 11	850 00	1,456 11
	District Court Clerk.....	" ".....			
	Surrogate Registrar...	" ".....			
	Sheriff.....	D. A. Graham.....	6,414 90		6,414 90
	Surrogate Judge.....	Judge Macbeth.....	1,300 00		
	Local Master.....	H. S. Blackburn.....	1,984 65		1,984 65
	Deputy Registrar.....	" ".....			
	Crown Attorney.....	A. M. Judd.....	1,727 95	5,000 00	6,727 95
	Clerk of the Peace.....	" ".....			
	Deputy Clerk of the Crown.....	E. Weld.....	13,174 92	500 00	13,674 92
	County Court Clerk.....	" ".....			
	Surrogate Registrar...	" ".....			

the Province of Ontario for the year ending December 31, 1926.—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
747 96	1,230 00		1,230 00				Lanark.
			1,000 00	21 60			
1,018 81	2,744 00		2,744 00				
539 00	3,683 01	241 50	3,441 51		897 85	1,371 25	
1,417 90	2,488 27		2,488 27				Leeds and Grenville.
			1,000 00	60			
	229 36		229 36				
878 29	3,662 08	81 04	3,581 04				
1,432 20	4,541 15	670 57	3,870 58		1,506 00	2,097 00	
293 36	1,860 13		1,860 13				Lennox and Addington.
			1,000 00				
21 00	95 90		95 90				
430 00	2,205 26		2,205 26				
377 15	2,178 16		2,178 16		417 60	735 50	
1,532 93	3,593 34		3,593 34				Lincoln.
			1,000 00	64 30			
1,161 40	2,992 45		2,992 45				
1,554 90	4,463 65	631 82	3,831 83		2,047 60	2,855 25	
118 40	2,076 02		2,076 02				Manitoulin.
			1,000 00				
100 00	1,901 50		1,901 50				
	1,456 11		1,456 11		166 40	287 50	
1,688 90	4,726 00		4,726 00				Middlesex.
			1,300 00				
634 00	1,350 65		1,350 65				
		1,727 95	5,000 00				
4,724 00	8,950 92	4,455 83	4,495 09		4,061 00	6,440 75	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
MUSKOKA: Bracebridge...	Sheriff	J. G. Myers	\$ 1,378 57	c. 1,350 00	\$ 2,728 57
	Surrogate Judge	Judge Mahaffy		1,000 00	
	Local Master	"			
	Crown Attorney	Thos. Johnson	1,516 90	250 00	1,766 90
	Clerk of the Peace	"			
	Local Registrar	C. S. Salmon	1,376 70	600 00	1,976 70
	District Court Clerk	"			
NIPISSING: North Bay...	Surrogate Registrar	"			
	Sheriff	Peter Groulx	3,882 07	800 00	4,682 07
	Surrogate Judge	Judge Valin		1,000 00	
	Local Master	"			
	Crown Attorney	T. E. McKee	3,746 47	250 00	3,996 47
	Clerk of the Peace	"			
	Local Registrar	T. J. Bourke	3,067 94	600 00	3,667 94
NORFOLK: Simcoe	District Court Clerk	"			
	Surrogate Registrar	"			
	Sheriff	W. Tisdale	1,857 08		1,857 08
	Surrogate Judge	Judge Boles		1,000 00	
	Local Master	"			
	Crown Attorney	aW. E. Kelly, K.C.	2,484 00	2,944 11	5,428 11
	Clerk of the Peace	"			
NORTHUMBER- LAND AND DURHAM: Cobourg	Local Registrar	bH. P. Innes, K.C.	2,791 75	675 00	3,466 75
	County Court Clerk	"			
	Surrogate Registrar	"			
	Sheriff	D. J. Nesbitt	3,785 56		3,785 56
	Surrogate Judge	Judge McGlade		1,000 00	
	Local Master	"			
	Crown Attorney	W. F. Kerr, K.C.	5,327 68		5,327 68
ONTARIO: Whitby	Clerk of the Peace	"			
	Local Registrar	J. T. Field	5,496 30	750 00	6,246 30
	County Court Clerk	"			
	Surrogate Registrar	"			
	Sheriff	J. F. Paxton	3,576 59		3,576 59
	Surrogate Judge	Judge Thompson		1,000 00	
	Local Master	Judge Ruddy	102 40		102 40
OXFORD: Woodstock...	Crown Attorney	J. F. Grierson	3,660 75		3,660 75
	Clerk of the Peace	"			
	Local Registrar	Horace Bascom	5,022 42	675 00	5,697 42
	County Court Clerk	"			
	Surrogate Registrar	"			
	Sheriff	Wm. McGhee	2,484 53		2,484 53
	Surrogate Judge	Judge Wallace		1,000 00	
	Local Master	W. T. McMullen	18 90		18 90
	Crown Attorney	R. N. Ball, K.C.	3,289 97		3,289 97
	Clerk of the Peace	"			
	Local Registrar	P. McDonald	6,982 73	450 00	7,432 73
	County Court Clerk	"			
	Surrogate Registrar	"			

aW. E. Kelly's fees were commuted from 8th April, 1926, at \$3,400.00.

bH. P. Innis appointed by Order-in-Council, 15th December, 1926; C. C. Rapelje having resigned.

the Province of Ontario for the year ending December 31, 1926.—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
571 79	2,156 78		2,156 78				Muskoka.
138 85	1,628 05		1,000 00	16 30			
50 54	1,926 16		1,628 05				
			1,926 16		239 50	426 25	
1,943 47	2,738 60		2,738 60				Nipissing.
836 60	3,159 87		1,000 00	10 70			
488 15	3,179 79	85 95	3,159 87				
			3,093 84		337 00	1,029 15	
682 10	1,174 98		1,174 98				Norfolk.
			1,000 00	22 10			
	5,428 11	2,484 00	2,944 11				
	3,466 75	143 35	3,323 40		675 36	1,192 50	
1,546 53	2,239 03		2,239 03				Northumberland and Durham.
1,465 60	3,862 08	186 04	1,000 00	38 50			
1,137 00	5,109 30	998 37	3,676 04		1,708 00	2,783 00	
			4,110 93				
1,088 00	2,488 59		2,488 59				Ontario.
	102 40		1,000 00				
894 93	2,765 82		102 40				
804 21	4,893 21	846 61	2,765 82		1,806 50	2,778 80	
1,163 45	1,321 08		1,321 08				Oxford.
	18 90		1,000 00				
540 44	2,749 53		18 90				
1,935 75	5,496 98	1,347 29	2,749 53		1,657 80	2,383 40	
			4,149 69				

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
			\$ c.	\$ c.	\$ c.
PARRY SOUND:					
Parry Sound..	Sheriff.....	J. E. Armstrong.....	3,567 39	750 00	4,317 39
	Surrogate Judge.....	Judge Powell.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	W. L. Haight, K.C....	11 10	1,700 00	1,711 10
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	Fred Tasker.....	1,883 80	600 00	2,483 80
	District Court Clerk..	" ".....			
	Surrogate Registrar...	" ".....			
PEEL:					
Brampton....	Sheriff.....	N. Henderson.....	2,639 60		2,639 60
	Surrogate Judge.....	Judge Justin.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	aW. S. Morphy.....	827 05	1,700 00	2,527 05
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. R. Fallis.....	2,767 20	600 00	3,367 20
	County Court Clerk..	" ".....			
	Surrogate Registrar...	" ".....			
PERTH:					
Stratford.....	Sheriff.....	Thos. Magwood.....	3,138 80		3,138 80
	Surrogate Judge.....	Judge Killoran.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	G. G. McPherson, K.C..	4,960 62		4,960 62
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	F. H. Thompson, K.C..	5,490 65	675 00	6,165 65
	County Court Clerk..	" ".....			
	Surrogate Registrar...	" ".....			
PETERBOROUGH:					
Peterborough..	Sheriff.....	F. J. A. Hall.....	2,740 61		2,740 61
	Surrogate Judge.....	Judge Huycke.....		1,000 00	
	Local Master.....	O. A. Langley.....	116 90		116 90
	Crown Attorney.....	G. W. Hatton.....	3,821 67		3,821 67
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	G. J. Sherry.....	4,919 36	675 00	5,594 36
	County Court Clerk..	" ".....			
	Surrogate Registrar...	" ".....			
PRESCOTT AND RUSSELL:					
L'Original....	Sheriff.....	S. W. Wright.....	1,708 74		1,708 74
	Surrogate Judge.....	Judge Constantineau..		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	F. W. Thistlethwaite..	2,930 06		2,930 06
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	Jos. Belanger.....	2,737 80	675 00	3,412 80
	County Court Clerk..	" ".....			
	Surrogate Registrar...	" ".....			
PRINCE EDWARD:					
Picton.....	Sheriff.....	D. J. Barker.....	1,574 25		1,574 25
	Surrogate Judge.....	Judge McLean.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	M. R. Allison.....	1,901 70		1,901 70
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	R. H. Hubbs.....	2,002 89	600 00	2,602 89
	County Court Clerk..	" ".....			
	Surrogate Registrar...	" ".....			

aMr. Morphy's fees are commuted at \$1,700.00 per annum.

the Province of Ontario for the year ending December 31, 1926.—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
2,178 10	2,139 29		2,139 29				Parry Sound.
			1,000 00				
	1,711 10	11 10	1,700 00				
30 25	2,453 55		2,453 55		366 80	492 75	
1,054 28	1,585 32		1,585 32				Peel.
			1,000 00	24 80			
	2,527 05	827 05	1,700 00				
581 54	2,785 66	45 09	2,740 07		931 05	1,624 09	
1,166 00	1,972 80		1,972 80				Perth.
			1,000 00	66 30			
575 50	4,385 12	442 56	3,942 56				
1,725 00	4,440 65	620 32	3,820 33		1,844 60	2,660 55	
1,080 95	1,659 66		1,659 66				Peterborough.
			1,000 00				
06	116 84		116 84				
780 96	3,040 71		3,040 71				
778 65	4,815 71	807 85	4,007 86		1,205 70	1,618 00	
610 35	1,098 39		1,098 39				Prescott and Russell.
			1,000 00	51 15			
507 95	2,422 11		2,422 11				
608 70	2,804 10	30 41	2,773 69		731 35	1,081 80	
151 05	1,423 20		1,423 20				Prince Edward.
			1,000 00	20 00			
387 00	1,514 70		1,514 70				
544 50	2,058 39		2,058 39		536 00	763 75	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
RAINY RIVER: Fort Frances..	Sheriff.....	W. A. Baker.....	\$ c. 1,840 22	\$ c. 1,150 00	\$ c. 2,990 22
	Surrogate Judge.....	Judge McLennan.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	N. L. Croome.....	1,890 90	250 00	2,140 90
	Clerk of the Peace.....	" "			
	Local Registrar.....	W. P. Pilkey.....	1,499 91	600 00	2,099 91
	District Court Clerk.....	" "			
	Surrogate Registrar.....	" "			
RENFREW: Pembroke....	Sheriff.....	Alex. Morris.....	2,928 50		2,928 50
	Surrogate Judge.....	Judge McNamara.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	aH. B. Johnson.....	2,410 97		2,410 97
	Clerk of the Peace.....	" "			
	Local Registrar.....	J. M. Beatty.....	2,523 80	600 00	3,123 80
	County Court Clerk.....	" "			
	Surrogate Registrar.....	" "			
SIMCOE: Barrie.....	Sheriff.....	D. H. MacLaren.....	3,619 82		3,619 82
	Surrogate Judge.....	cJudge Vance.....		1,000 00	
	Local Master.....	F. G. Evans.....	4,595 17		4,595 17
	Crown Attorney.....	" "			
	Clerk of the Peace.....	" "			
	Local Registrar.....	John Mackay.....	1,847 30	750 00	2,597 30
	County Court Clerk.....	" "			
	Surrogate Registrar.....	E. A. Little.....	5,580 91		5,580 91
STORMONT, DUNDAS AND GLENGARRY: Cornwall....	Sheriff.....	W. R. Mack.....	3,105 86		3,105 86
	Surrogate Judge.....	Judge O'Reilly.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	bJ. G. Harkness.....	947 18	2,830 00	3,777 18
	Clerk of the Peace.....	" "			
	Local Registrar.....	A. I. Macdonell.....	5,973 25	750 00	6,723 25
	County Court Clerk.....	" "			
	Surrogate Registrar.....	" "			
SUDBURY: Sudbury.....	Sheriff.....	Alex. Irving.....	4,315 00	1,150 00	5,465 00
	Surrogate Judge.....	*Judge Kehoe.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	R. R. McKessock, K.C.....	6,319 63	250 00	6,569 63
	Clerk of the Peace.....	" "			
	Local Registrar.....	J. D. Shipley.....	3,107 85	600 00	3,707 85
	District Court Clerk.....	" "			
	Surrogate Registrar.....	" "			
TEMISKAMING: Haileybury...	Sheriff.....	Geo. Caldbick.....	3,956 26	1,000 00	4,956 26
	Surrogate Judge.....	Judge Hartman.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	F. L. Smiley.....	2,107 27	250 00	2,357 27
	Clerk of the Peace.....	" "			
	Local Registrar.....	T. J. Meagher.....	2,301 35	600 00	2,901 35
	District Court Clerk.....	" "			
	Surrogate Registrar.....	" "			

aH. B. Johnson appointed 18th May, 1926; J. H. Burritt having died.

bJ. G. Harkness' fees commuted at \$2,830.00.

cJudge Vance died July 22nd, 1927.

*No returns received.

the Province of Ontario for the year ending December 31, 1926.—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
556 56	2,433 66		2,433 66				Rainy River.
			1,000 00				
	2,140 90		2,140 90				
609 75	1,490 16		1,490 16		344 90	279 30	
911 27	2,017 23		2,017 23				Renfrew.
			1,000 00	20 00			
482 00	1,928 97		1,928 97				
592 95	2,530 85	3 09	2,527 76		779 10	920 00	
2,609 37	1,010 45		1,010 45				Simcoe.
			1,000 00				
1,405 77	3,189 30		3,189 30				
180 00	2,417 30		2,417 30				
1,250 00	4,330 91	565 45	3,765 46		1,854 40	3,422 80	
675 67	2,430 19		2,430 19				Stormont, Dundas and Glengarry.
			1,000 00	97 60			
	3,777 18	947 18	2,830 00				
999 00	5,724 25	1,551 82	4,172 43		1,624 45	2,318 45	
1,798 63	3,666 37		3,666 37				Sudbury.
			1,000 00				
3,119 10	3,450 53		3,450 53				
600 00	3,107 85	60 78	3,047 07		485 60	454 35	
1,225 26	3,731 00		3,731 00				Temiskaming.
			1,000 00	7 80			
845 00	1,512 27		1,512 27				
430 00	2,471 35		2,471 35		542 00	504 00	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
THUNDER BAY: Port Arthur...	Sheriff.....	aN. Edmeston.....	\$.c. 5,675 94	\$.c. 1,386 03	\$.c. 7,061 97
	Surrogate Judge.....	Judge Kenny.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	bW. F. Langworthy...	1,970 05	83 33	2,053 38
	Clerk of the Peace....	" "			
	Local Registrar.....	Keith Munro.....	3,380 50	600 00	3,980 50
	District Court Clerk..	" "			
	Surrogate Registrar...	" "			
VICTORIA: Lindsay.....	Sheriff.....	A. E. Vrooman.....	1,342 10		1,342 10
	Surrogate Judge.....	Judge Swayze.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	J. E. Anderson.....	4,371 54		4,371 54
	Clerk of the Peace....	" "			
	Local Registrar.....	A. T. Porter.....	3,620 83	675 00	4,295 83
	County Court Clerk..	" "			
WATERLOO: Kitchener...	Surrogate Registrar...	" "			
	Sheriff.....	W. A. Kribs.....	3,652 58		3,652 58
	Surrogate Judge.....	Judge Hearn.....		1,000 00	
	Local Master.....	J. J. A. Weir.....	116 40		116 40
	Crown Attorney.....	D. S. Bowlby.....	6,096 59		6,096 59
	Clerk of the Peace....	" "			
	Local Registrar.....	Chas. H. Mills.....	1,908 55	675 00	2,583 55
	County Court Clerk..	" "			
WELLAND: Welland.....	Surrogate Registrar...	E. H. Scully.....	5,424 91		5,424 91
	Sheriff.....	V. L. Davidson.....	4,418 17		4,418 17
	Surrogate Judge.....	*Judge Livingstone...		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	T. D. Cowper.....	5,353 31		5,353 31
	Clerk of the Peace....	" "			
	Local Registrar.....	J. E. Cohoe.....	8,656 80	800 00	9,456 80
	County Court Clerk..	" "			
WELLINGTON: Guelph.....	Surrogate Registrar...	" "			
	Sheriff.....	A. S. Allan.....	2,578 64		2,578 64
	Surrogate Judge.....	Judge Spotton.....		1,000 00	
	Local Master.....	Wm. Kingston, K.C..			
	Local Registrar.....	" "	5,766 29	300 00	6,066 29
	County Court Clerk..	" "			
	Surrogate Registrar...	" "			
	Crown Attorney.....	cJ. M. Kearns.....	3,257 95	2,188 31	5,446 26
	Clerk of the Peace....	" "			

aN. Edmeston, appointed 7th December, 1926; A. W. Thompson died 12th January, 1926; H. Thompson, Deputy, acted in the meantime.

bW. F. Langworthy appointed 25th August, 1926; D. J. Cowan having resigned.

cJ. M. Kearns's fees were commuted from 9th April, 1926, at \$3,450.00.

*No returns received.

the Province of Ontario for the year ending December 31, 1926.—Continued.

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
1,660 84	5,401 13		5,401 13				Thunder Bay.
			1,000 00	35 20			
	2,053 38		2,053 38				
101 50	3,879 00	339 50	3,539 50		732 40	778 20	
457 63	884 47		884 47				Victoria.
			1,000 00	33 90			
893 91	3,477 63		3,477 63				
1,753 87	2,541 96	4 20	2,537 76		985 10	1,515 25	
1,602 30	2,050 28		2,050 28				Waterloo.
			1,000 00				
	116 40		116 40				
1,429 60	4,666 99	578 49	4,088 50				
504 00	2,079 55		2,079 55				
1,295 52	4,129 39	464 70	3,664 69		2,060 90	3,761 50	
2,253 01	2,165 16		2,165 16				Welland.
1,542 00	3,811 31	155 65	3,655 66				
1,428 90	8,027 90	3,625 11	4,402 79		2,130 30	3,212 40	
752 44	1,826 20		1,826 20				
			1,000 00				Wellington.
935 00	5,131 29	1,018 16	4,113 13		1,728 30	2,724 30	
	5,446 26	2,188 31	3,257 95				

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1926	Salary paid by Province	Total earnings and salary in all offices
			\$ c.	\$ c.	\$ c.
WENTWORTH:					
Hamilton.....	Sheriff.....	J. T. H. Regan.....	9,859 09		9,859 09
	Surrogate Judge.....	Judge Gould.....		1,000 00	
	Local Master.....	" ".....			
	" ".....	Judge Evans.....	1,000 00		
	Crown Attorney.....	G. W. Ballard.....	4,879 84	5,000 00	9,879 84
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	aA. C. Garden.....	13,777 66	750 00	14,527 66
	County Court Clerk..	" ".....			
	Surrogate Registrar..	" ".....			
YORK:					
Toronto.....	Sheriff.....	A. McCowan.....	25,552 66		25,552 66
	Surrogate Judge.....	Judge Coatsworth.....	2,600 00		
	" ".....	Judge Morson.....	1,600 00		
	" ".....	Judge Denton.....	1,600 00		
	" ".....	Judge Widdifield.....	1,600 00		
	" ".....	Judge Tytler.....	1,000 00		
	" ".....	Judge O'Connell.....	1,000 00		
	Crown Attorney.....	E. N. Armour, K.C....	2,985 00	7,500 00	10,485 00
	Clerk of the Peace.....	H. E. Irwin, K.C.....	31,047 73		31,047 73
	County Court Clerk..	Thos. V. Gearing.....	21,205 50		21,205 50
	Surrogate Registrar..	A. F. Wallis.....	43,192 82		43,192 82
TORONTO:					
	Sheriff.....	R. A. Pyne.....	47,578 71		47,578 71

aA. C. Garden, appointed 15th December, 1926; H. C. Gwyn died; G. W. Ballard acted, meantime; A. C. Garden died 19 May, 1927. G. T. Inch appointed by Order-in-Council, 17 June, 1927.

the Province of Ontario for the year ending December 31, 1926.—*Concluded.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer.	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
4,812 15	5,046 94		5,046 94	1,000 00	294 50		Wentworth.
			1,000 00	70 80			
1,683 50	8,196 34	3,196 34	5,000 00				
3,645 51	10,882 15	10,660 21	221 94		5,770 50	7,598 80	
12,734 66	12,818 00	5,686 20	7,131 80				York.
			2,600 00				
			1,600 00				
			1,600 00				
			1,600 00				
			1,000 00				
			1,000 00				
		2,985 00	7,500 00				
10,749 50	20,298 23	8,399 12	11,899 11				Toronto.
8,828 00	12,377 50	7,534 08	4,843 42				
6,652 89	36,539 93	29,285 94	7,253 99		21,459 00	41,813 00	
27,919 21	19,659 50	11,843 55	7,815 95				

Statement Respecting Police Magistrates

Police Magistrates, Province of Ontario, 1926.

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices
			\$ c.	\$ c.	\$ c.	\$ c.
cAdams, E. E.....	Prescott.....	Grenville.....	1,500 00	208 30	948 00	414 00
*Anderson, S. T....	Comber.....	Essex.....				
Andrews, S. J.....	Clinton.....	Huron.....				
Arnold, S. B.....	Chatham.....	Kent.....	1,000 00		307 00	1,195 00
Arthurs, E.....	Espanola.....	Algoma.....	1,900 00	205 10	793 50	272 00
*Armstrong, M.....	Markdale.....	Grey.....				
Atkinson, S.....	Haileybury.....	Cochrane, Temiskaming, Nipissing and Algoma.....	3,600 00	981 65	2,556 00	2,292 75
Ball, A. S.....	Woodstock.....	Oxford.....				
Barr, W. J.....	Burlington.....	Halton.....			135 00	11 50
*Beaman, W. D.....	Essex.....	Essex.....				
Bedford, H. R.....	Deseronto.....	Hastings.....			140 00	
Blake, J. R.....	Galt.....	Waterloo, Brant	1,600 00		2,762 00	495 50
*Bond, F.....	Port Dover.....	Norfolk.....				
Bradbury, J. R.....	Blind River.....	Algoma.....			275 06	
Bradford, J.....	Lindsay.....	Vic. & Hali'ton.	1,200 00	40 20	1,097 00	378 50
Bradshaw, J. W.....	Kingston.....	Frontenac.....	1,200 00	50 95	955 50	405 40
Bridgewater, J. T.....	Dresden.....	Kent.....				
*Bristow, E. J.....	Bright.....	Oxford.....				
Brodie, D. M.....	Sudbury.....	Sud. & Algoma.	2,100 00		1,599 00	526 00
Broughton, J. D.....	Parry Sound.....	Parry Sound...	1,920 00	111 46	866 00	283 25
Brown, E. B.....	Victoria Harbor	Simcoe.....				
Browne, R. J.....	City Hall, Toronto.....	See Toronto Police Court		Returns.		
Brunton, T. H.....	57 Adelaide St. E., Toronto..	York.....			3,780 25	301 75
Burgess, C. H.....	Port Credit.....	Peel.....				
Burrill, R. W.....	Caledon East.....	Peel.....				
Butcher, W. R.....	St. Mary's.....	Perth.....			79 76	
Callwood, H.....	Tilbury.....	Essex.....			100 00	
Campbell, J. H.....	St. Catharines.	Linc. & Welland	1,000 00	42 40	1,005 00	747 25
Campbell, W. A.....	Port Hope.....	Nor. & Durham			736 00	
Carscallen, A. B.....	Wallaceburg.....	Kent & Lamb'n	1,000 00	16 40	60 00	311 75
Casement, R. R.....	Madoc.....	Hastings.....			156 00	
Chown, S. T.....	Renfrew.....	Ren. & Nipiss'g.	2,500 00	315 19	926 20	337 25
bClark, G. H.....	Orillia.....	Simcoe & Ont..	1,800 00	39 65	695 00	192 70
Clark, Jos.....	Ridgeway.....	Welland.....			40 00	
Clark, W. J.....	Pickering.....	Ontario.....			800 00	
aCline, C. H.....	Cornwall.....	Stor., Dundas & Glengarry...	1,700 00	42 45		
Cockburn, J. D.....	Sturgeon Falls	Nipissing.....			867 00	
Cohen, J.....	City Hall, Toronto.....	See Toronto Police Court		Returns.		
Colville, Neil.....	Orono.....	Nor. & Durham				
Cook, Frank.....	Midland.....	Simcoe.....	400 00			55 95
Coutts, John.....	Thamesville.....	Kent.....				
Craig, David.....	Arnprior.....	Renfrew.....			15 00	
Crawford, R.....	Brampton.....	Peel.....			2,311 00	
Creasor, A. D.....	Owen Sound.....	Grey.....	1,500 00	5 95	368 00	208 45
Cummings, W. R.....	Eastview.....	Carleton.....				

* No returns received during 1926.

a C. H. Cline died 16th August, 1926. D. G. McDonell appointed, *pro tem.*, for remainder of year and up to date of appointment of J. C. Milligan, 3rd May, 1927.

b G. H. Clark died 6th April, 1927; H. Gover acted until appointment of D. McCaughrin, 17th June, 1927.

c E. E. Adams resigned 1st July, 1927. H. Atkinson appointed 16th August, 1927.

Police Magistrates, Province of Ontario, 1926—*Continued.*

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
Davidson, D.	Mimico Beach..	Tor. & Hamilton Highway.	2,100 00	702 97	9,449 00	3,646 50
Depew, J. E.	White River...	Algoma	2,500 00	374 31	531 00	271 01
Elliott, A.	Sault Ste. Marie	Algoma				
Erskine, W. T.	Rockland	Russell			10 00	
Falconer, H.	Shelbourne	Dufferin	800 00	116 10	284 50	383 85
Farrell, J. M.	Kingston	Frontenac				
Farnsworth, H.	Huntsville	Muskoka			409 80	9 28
Floyd, W. H.	Cobourg	Nor. & Durham	1,200 00	524 89	1,258 00	1,095 62
*Fox, F. J.	Wheatley	Kent				
Fraser, Alex.	Niagara Falls..	Welland			278 00	
Fry, J. S.	Dundas	Wentworth				
Goodwin, John	Welland	Welland			204 50	
Gorman, H.	Sarnia	Lambton			100 00	
Gover, H.	Coldwater	Simcoe & Musk. ^a	500 00		170 69	25 60
Graydon, A. H. M.	London	Middlesex			740 00	
Greig, J. C.	Seaforth	Huron				
Gundy, W. E.	Windsor	Essex			74 71	
Guntton, R. E.	Simcoe	Norfolk	2,000 00	21 55	88 00	508 05
Hall, Robt.	Ridgetown	Kent				
Halpin, P. K.	Prescott	Grenville				
Hamilton, T. L.	Listowel	Perth			28 00	
Hamilton, Wm.	Uxbridge	Ontario			235 00	
Hawkshaw, C. W.	Lucan	Middlesex			1,181 00	
Hellyer, A.	Kenilworth	Wellington	1,000 00	119 80	389 00	385 45
Hewson, W. H.	Penetang'shene.	Simcoe & Musk.	500 00	4 80	60 00	40 00
Hind, A. F.	Oshawa	Ontario			179 00	
Hogg, W. A.	Collingwood	Simcoe & Grey	600 00	66 60	112 00	87 50
Holland, H. E.	Gold Pines	Patricia	150 00			
Hollands, C. J.	Fort Frances..	Rainy River	2,000 00		475 00	440 00
Hopewell, C.	Ottawa	Carleton			1,081 00	
Hunt, F.	St. Thomas	Elgin				
Jakeman, W. A.	Bethany	Nor. & Durham			4 00	
Jarman, G. L.	Bancroft	Hastings	1,200 00	389 70	361 00	267 50
*Jarvis, J. J.	Mooretown	Lambton				
Jeifs, C.	Barrie	Simcoe	1,000 00	5 90	1,037 00	101 20
Jeifs, G. F.	Hamilton	Wentworth			195 00	2 00
Jones, J. E.	City Hall, Toronto	See Toronto Police Court		Returns.		
Jones, S. A.	Brantford	Brant				
*Jones, Thos.	Forest	Lambton				
Jordon, G. A.	Minden	Haliburton	1,200 00	74 30	180 00	139 25
Joynt, Wm.	Ottawa	Carleton	2,000 00	17 50	1,799 00	706 45
Kinney, J. A.	Kenora	Kenora	400 00	57 93	63 00	55 50
Kirkland, J. T.	Almonte	Lanark	^c 300 00	76 05	130 00	74 45
Lawson, J. E.	Pine Ridge	Patricia	^e	139 35	70 00	6 00
Laidlaw, Wm.	Durham	Grey			25 00	
Langley, O. A.	Peterborough	Peterborough	1,000 00	100 50	55 00	161 70
Lawlor, H. W.	Hawkesbury	Prescott	1,000 00	3 22	288 00	349 88
Lloyd, J. L.	Northbrook	Lennox & Add.	300 00		25 00	23 50
McCarty, Jno.	Warton	Bruce	2,500 00	620 20	190 00	401 50
dMackay, J. T.	Sault Ste. Marie	Algoma	2,500 00	136 14	465 00	80 50

* No returns received during 1926.

^a Mr. Gover's salary was increased from \$500.00 to \$1,000.00 from 28th June, 1927.^b H. E. Holland appointed by Order-in-Council 28th September, 1926, J. E. Lawson having resigned.^c Salary of J. T. Kirkland increased to \$500.00 as and from 1st August, 1927.^d J. T. Mackay died 30th March, 1927.^e J. E. Lawson received a salary at the rate of \$1,200.00 per annum.

Police Magistrates, Province of Ontario, 1926—Continued.

Name	Address	County or District	Salary paid by Province.	Traveling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
Major, F. W.....	Gore Bay.....	Manitoulin....	1,800 00	751 85	282 00	176 00
Makins, J. A.....	Stratford.....	Perth.....	1,000 00	41 85	1,301 00	478 10
Malkin, W. T.....	Bridgeburg....	Welland.....	500 00	.....	25 00	238 75
Massie, J. C.....	Dunnville.....	Hald. & Welland	3,500 00	941 15	467 25	1,615 40
Masson, S.....	Belleville.....	Hastings.....	.....	.....	420 00	.....
Matheson, R. A....	Eganville.....	Renfrew.....	.....	.....	.....	.....
Maxwell, C. F.....	St. Thomas....	Elgin.....	1,000 00	120 60	773 00	474 25
Miller, A. O.....	Avonmore.....	Stormont, Dun. & Glengarry..	.....	.....	.....	.....
Moore, H. P.....	Acton.....	Halton, Peel & Wellington..	2,500 00	115 00	240 00	390 25
Morrison, P. J....	Glencoe.....	Middlesex.....	.....	.....	10 00	.....
*Mott, W. S. (<i>ex-officio</i>).....	Juvenile Court.	90 Albert St., Toronto.....	.....	.....	.....	.....
Myers, J. G.....	Bracebridge....	Muskoka.....	600 00	36 05	630 00	251 25
Myers, J. J.....	.....	Patricia.....	.....	.....	70 00	6.00
McCormick, W. A....	Amherstburg....	Essex.....	.....	.....	20 00	.....
McDougall, D. P....	Maxville.....	Stor., Dundas & Glengarry..	.....	.....	.....	.....
McGaughey, C. S....	North Bay.....	Nipissing.....	2,000 00	193 15	558 00	231 50
McKay, S. G.....	Ailsa Craig.....	Middlesex.....	.....	.....	.....	.....
McNeely, J. S. L....	Perth.....	Lanark.....	.....	.....	.....	.....
McArthur, C.....	Burk's Falls....	Parry Sound..	250 00	5 45	490 00	46 10
McDonell, D. G....	Cornwall.....	Stor., Dundas & Glengarry..	.....	15 05	1,354 30	736 70
O'Brien, W. W....	Port Arthur....	Thunder Bay..	1,200 00	87 10	765 00	237 06
O'Connor, J. J....	Port Arthur....	Thunder Bay..	1,800 00	1,218 44	2,475 00	517 15
O'Rourke, T. A....	Trenton.....	Hastings.....	.....	.....	815 00	.....
Page, J. A.....	Brockville.....	Leeds & Gren..	1,000 00	41 40	444 60	197 16
Palling, Wm.....	Fort William....	Thunder Bay..	800 00	.....	385 00	58 00
Paterson, J. L.....	Ingersoll.....	Oxford.....	1,600 00	260 80	1,304 00	360 21
Patterson, Dr. M....	City Hall, Toronto.....	See Toronto Police Court Returns.	.....	.....	5 00	.....
Patterson, W. W....	Paris.....	Brant.....	.....	.....	60 00	.....
Payne, G. A.....	Campbellford..	Nor. & Durham	.....	.....	30 00	.....
Peacock, Wm.....	Alexandria.....	Stor., D. & Glen.	.....	.....	.....	.....
Peden, A. R. G....	Carleton Place..	Lanark.....	.....	.....	.....	.....
Pinkerton, J. B....	Elgin.....	Leeds & Gren..	.....	.....	.....	.....
Poulin, B. R.....	L'Orignal.....	Prescott.....	.....	.....	50 00	.....
Preston, D. K.....	Newboro.....	Leeds & Gren..	.....	.....	.....	.....
Pronger, R. H.....	Dryden.....	Kenora.....	1,000 00	30 45	310 00	64 75
Purdy, E. H.....	Port Perry.....	Ontario.....	.....	.....	.....	.....

* No returns received during 1926.

a P. J. Morrison resigned as of 1st July, 1927.

b F. J. Mead resigned as of 8th April, 1927.

c C. McArthur resigned as of 25th June, 1926. J. J. Wilson appointed by Order-in-Council 27th April, 1927.

d Mr. McGaughey received \$500.00 in addition to his salary of \$1500.00 for looking after the duties formerly performed by Mr. McArthur and until the appointment of Mr. Wilson.

e D. G. McDonell received a salary at the rate of \$1,700.00 per annum and acted from the date of Mr. Cline's death to the date of J. C. Milligan's appointment, 3rd May, 1927.

f Wm. Peacock resigned as and from 31st December, 1926. E. J. Dever appointed by Order-in-Council 7th January, 1927.

g A. R. G. Peden resigned as of 1st May, 1927. Robt. Patchell appointed by Order-in-Council 26th May, 1927.

e S. Masson died 17th September, 1926. W. C. Mikel appointed by Order-in-Council, 15 December, 1926.

Police Magistrates, Province of Ontario, 1926—*Concluded.*

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
*Rankin, Wm.....	Napanee.....	Lennox & Add.				
Ray, G. R.....	Moose Factory.	Cochrane.				
Reid, C. A.....	Goderich.....	Huron.....	2,500 00	157 20	100 00	512 50
Ruttan, G. F.....	Napanee.....	Lennox & Add.	1,200 00	19 00	612 00	517 10
eSampson, J. H.....	Gananoque.....	Leeds.....				
Scott, W. W.....	Moorefield.....	Wellington.....				
Shields, J. H.....	Oakville.....	Halton.....			1,246 00	15 00
*Smart, J. H.....	Kingsville.....	Essex.....				
Smith, W. A.....	Sandwich.....	Essex.....	2,000 00		758 00	3,079 25
Sparham, B. E.....	Smith's Falls..	Lanark.....			180 00	
Stewart, J. C.....	Pembroke.....	Renfrew.....			194 00	
Stewart, Wm.....	Pelee Island..	Essex.....	300 00			2 50
Stoddart, Thos.....	Copper Cliff..	Sudbury.....	3,000 00	293 46	2,227 00	922 75
*Taylor, Chas.....	Drumbo.....	Oxford.....				
Telford, John.....	Hanover.....	Grey.....				
Thistlethwaite, F. W	Vankleek Hill..	Prescott.....				
Treffry, G. H.....	Otterville.....	Oxford.....				
Trim, Chas.....	Milverton.....	Perth.....			40 00	
Trueman, R. M.....	Strathroy.....	Middlesex.....				
Tucker, E. R.....	Cochrane.....	Cochrane, Al-goma and Thunder Bay	3,000 00	1,160 33	1,234 00	1,403 00
Toronto Police Court	Toronto.....				2,245 00	
Vance, J. F.....	Hamilton.....	Wentworth.....	1,500 00		3,658 75	899 00
*Vaughan, A. C.....	Sioux Lookout.	Kenora.....				
aWalker, F. W.....	Walkerton.....	Bruce.....				
Ward, W. F.....	Bowmanville..	Durham.....			164 00	
Watt, F.....	Guelph.....	Wellington.....	600 00		596 00	286 50
Weegar, S.....	North Bay.....	Nipissing.....			439 00	
bWeir, J. J. A.....	Kitchener.....	Waterloo.....			982 00	155 25
Whittington, J. C...	Blenheim.....	Kent.....			1,390 00	
Wholehan, T.....	Chesterville..	Stor., D. & Glen.				
Williams, L.....	Picton.....	Prince Edward.			50 00	
Willis, J. E.....	Whitby.....	Ontario.....			201 00	
Wills, F. J. (<i>pro tem</i>)	Belleville.....	Hastings.....			320 00	
Woodrow, C. S.....	Sarnia.....	Lambton.....	1,500 00	142 50	135 00	426 25
*Woodman, A. C.....	Drayton.....	Wellington.....				
cWelsh, D. H.....	Pamerson.....	Wellington.....				
dWilson, J. J.....	Burk's Falls..	Parry Sound..				
Zapfe, F. T.....	Parkhill.....	Middlesex.....	1,500 00		211 00	91 20
Totals.....			90,320 00	11,183 54	76,859 31	32,080 22

* No returns received in 1926.

a F. W. Walker appointed by Order-in-Council 15th December, 1926, at \$2,000.00 per annum.

b J. J. A. Weir was given a salary of \$1,400.00 by Order-in-Council 17th May, 1927.

c D. H. Welsh appointed by Order-in-Council 11th January, 1927.

d J. J. Wilson appointed by Order-in-Council 27th April, 1927.

e J. H. Sampson appointed by Order-in-Council 11th January, 1927.

Statement Respecting Division Courts

COCHRANE.....	1	372	31,583 88	233 87	14,550 57	14,233 25	551 19	4 25	2,021 25	1,607 04
	2	1836	86,913 69	1,364 78	44,377 98	44,200 44	1,542 32	104 60 1,252 60	6,506 50	5,046 47 32 25
	3	224	16,513 12	143 28	12,526 68	12,323 05	376 91	.....	857 00	1,128 83
	4	341	23,339 36	497 27	11,454 74	11,333 58	618 43	.....	1,338 06	1,299 53
	5	189	16,039 23	280 09	8,922 95	9,171 83	31 22	.....	929 58	1,113 42
	6	257	14,764 19	52 86	9,647 20	9,522 73	177 33	.....	696 78	762 00
DUFFERIN.....	1	183	10,244 07	.....	3,512 22	3,495 87	16 25	.....	658 15	401 14
	2	129	9,298 69	.....	5,128 43	5,128 43	.....	.....	406 66	.....
	3	5	624 86	.....	118 40	118 40	.....	.....	18 37	23 60
	4	7	180 54	.....	180 54	180 54	.....	.....	15 11	30 90
	5	60	5,049 44	422 56	2,937 29	2,928 29	431 56	.....	246 60	121 28
ELGIN.....	1	568	29,055 76	.....	15,128 53	15,128 53	.....	96 79	2,483 95	1,798 47
	2	16	1,404 54	.....	1,088 60	1,088 60	.....	.....	81 20	133 10
	3	665	37,962 49	66 05	14,196 35	14,262 40	.....	113 69	2,568 45	1,432 32
	4	121	8,862 71	2 00	3,174 03	3,083 36	92 67	.....	391 50	595 50
ESSEX.....	1	152	8,617 57	42 58	3,849 92	3,749 42	150 08	.....	493 74	85 56
	2	224	12,194 93	165 82	6,238 01	6,312 03	91 80	.....	703 03	529 65
	3	139	10,468 70	.....	6,998 80	6,998 80	.....	.....	693 80	372 05
	4	73	3,499 72	.....	2,860 35	2,860 35	.....	.....	316 75	273 11
	5	373	35,648 57	721 50	13,902 04	14,623 54	.....	.....	1,396 40	917 43
	6	60	5,514 87	84 82	3,713 58	3,589 80	123 78	.....	214 55	134 26
	7	2067	170,11 113	422 96	48,710 50	48,489 57	643 89	297 66 3,241 24	10,775 26	36,976 61
	8	338	21,301 91	65 65	13,539 28	13,593 58	11 35	.....	1,715 10	1,465 20
	9	66	5,232 74	.....	3,586 67	3,586 67	.....	.....	363 90	313 28
	10	.....	.....	.....	.....	.....	.....	.....	.....	.....
FRONTENAC.....	1	902	56,482 56	162 80	21,945 96	21,925 37	183 39	286 51	3,432 59	2,208 95
	3	22	845 04	.....	358 32	358 32	.....	.....	89 57	85 50
	4	65	2,894 58	94 20	2,201 12	2,159 03	42 09	.....	429 31	233 78
	7	31	758 16	.....	283 47	283 47	.....	.....	77 00	87 15
	6	77	3,658 64	62 60	1,210 22	1,050 85	221 97	.....	317 10	247 56
GREY.....	1	692	28,064 83	143 85	11,092 56	11,075 91	16 65	40 39	2,201 95	912 70
	2	116	6,805 86	416 96	3,047 03	3,463 99	.....	.....	359 46	384 40
	3	194	7,236 95	7 35	4,175 16	4,126 75	55 76	.....	548 35	330 85
	4	51	2,765 26	.....	3,275 97	3,275 97	.....	.....	235 23	312 63
	5	79	5,180 30	29 00	3,077 25	3,031 36	44 89	.....	408 95	384 18
	6	20	880 71	.....	1,103 01	1,103 01	.....	.....	46 60	103 80
	7	101	6,664 82	165 96	3,384 15	3,533 26	16 85	.....	343 30	216 02
	8	74	4,983 05	168 99	2,293 69	2,401 68	61 00	.....	286 35	215 20

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1926, inclusive, showing:—*Continued*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgments and Judgment summonses	Balance of Cash in Court from the previous year.	Total amount of Suits' Money paid into Court	Total amount of Suits' Money paid out of Court	Balance of Cash in Court.	Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments	Balliff's Returns of Emoluments	Unclaimed moneys
HALDIMAND.....	1	67	\$ 6,029 99	\$ 540 14	\$ 2,450 41	\$ 2,092 82	\$ 897 73	.....	\$ 349 86	\$ 119 85	\$ 4 27
	2	62	2,951 19	41 50	2,398 06	2,404 55	35 01	.....	136 68	33 30	.....
	3	218	12,872 02	164 27	5,340 10	5,340 27	244 30	.....	633 20	459 03	.....
	4	99	6,035 00	2 45	3,059 55	3,035 55	26 45	.....	402 60	280 81	.....
	5	8	915 41	15 00	1,000 84	1,015 84	.....	.....	64 62	69 60	.....
HALIBURTON.....	1	33	1,813 07	.....	1,165 58	1,165 58	.....	.....	81 35	105 20	.....
	2	90	5,389 43	19 38	1,367 81	1,387 19	.....	.....	305 43	120 85	.....
	3	60	2,510 83	.....	1,531 16	1,513 16	.....	.....	217 57	161 38	.....
	4	No business	.....	.....	.....	.....	.....	.....	.....	49 85	.....
HALTON.....	1	147	6,851 47	35 68	2,292 59	2,300 32	27 95	.....	477 75	340 65	.....
	2	150	6,734 70	.....	4,139 34	4,139 34	.....	.....	452 00	194 08	.....
	3	305	14,910 84	116 68	6,670 49	6,062 53	724 64	.....	954 60	471 50	.....
	4	121	4,251 66	156 07	2,606 64	2,380 43	382 28	.....	495 35	239 03	.....
	5	24	1,636 64	.....	932 79	932 79	.....	.....	135 25	73 60	.....
	6	155	11,822 11	10 00	7,598 12	7,592 12	16 00	.....	725 29	502 98	.....
HASTINGS.....	1	799	32,236 89	1,314 31	13,040 93	12,479 44	1,875 80	255 59	3,277 95	1,642 47	15 65
	2	84	2,166 37	108 00	610 31	637 58	80 73	.....	273 08	459 77	36 65
	3	15	673 28	.....	201 38	201 38	.....	.....	66 10	.....	.....
	4	87	2,716 76	.....	1,519 07	1,377 41	141 66	.....	233 73	322 55	.....
	5	71	3,109 47	28 00	1,470 49	1,480 99	17 50	.....	239 25	185 05	.....
	6	172	11,785 31	51 03	5,031 33	4,989 59	92 77	.....	627 35	394 72	.....
	7	58	2,831 81	.....	1,316 69	1,305 59	11 10	.....	240 60	77 55	.....
	8	93	4,227 78	33 90	1,794 55	1,828 45	.....	.....	353 15	175 95	.....
	9	352	12,845 35	72 60	5,806 99	5,863 99	15 60	.....	1,268 70	734 62	.....
	10	120	5,525 49	89 76	4,287 15	4,162 43	214 48	.....	433 70	311 70	.....
	11	33	1,853 18	11 98	1,085 34	1,093 69	3 63	.....	110 75	353 49	3 63
	12	133	7,419 82	7 00	2,562 81	2,377 25	192 56	.....	402 44	354 40	.....

HURON.....	1	263	10,897 53	.....	5,889 68	5,842 68	47 00	.....	962 87	279 93
	2	109	6,404 21	200 18	2,861 04	2,930 58	130 54	.....	428 40	260 79
	3	42	3,996 24	30 21	1,823 66	1,853 87	.....	.....	161 10	.....
	4	61	4,085 76	.....	3,100 12	3,100 12	.....	.....	220 39	.....
	5	140	8,679 91	33 30	3,499 28	3,504 05	28 53	.....	434 35	310 98
	6	34	2,276 31	89 55	7,685 82	1,684 17	19 20	.....	124 80	161 20
	7	12	715 86	.....	651 90	651 90	.....	.....	58 15	62 10
	8	74	5,519 68	.....	2,462 78	2,462 88	.....	.....	343 50	237 14
	9	73	4,253 55	.....	2,514 76	2,514 76	.....	.....	181 70	211 90
	10	28	1,506 35	.....	934 69	872 69	62 00	.....	92 20	92 30
	11	36	1,627 83	.....	1,155 83	1,155 83	.....	.....	113 00	140 50
	12	30	1,529 96	.....	511 39	469 49	41 90	.....	132 70	100 90
KENORA.....	1	358	17,577 11	707 98	8,109 82	7,908 98	908 82	.....	1,530 15	418 15
	2	12	1,413 41	.....	126 62	126 62	.....	.....	36 90	.....
	3	57	3,459 76	108 24	2,123 78	2,188 62	43 40	.....	223 80	.....
	4	94	5,169 13	540 44	3,220 50	3,601 03	159 91	.....	267 10	182 30
KENT.....	1	612	42,971 00	825 85	14,008 43	13,964 68	869 70	81 10	2,405 46	1,014 94
	2	113	7,058 74	194 88	4,788 82	4,887 53	96 17	.....	483 80	375 50
	3	74	3,358 76	122 37	3,385 58	3,507 95	.....	.....	296 65	266 40
	4	189	10,849 20	139 61	8,446 94	8,373 40	213 15	.....	739 25	479 10
	5	236	15,957 49	175 68	7,125 85	6,520 41	871 11	.....	1,064 55	598 55
	6	54	4,642 69	.....	1,963 07	1,893 07	70 00	.....	89 66	240 60
	7	178	5,166 19	25 00	7,456 90	7,439 58	42 32	.....	784 00	775 47
LAMBTON.....	1	1154	65,049 00	548 85	24,424 55	24,318 21	655 19	317 32	3,557 71	1,806 82
	2	44	3,089 29	4 10	1,988 20	1,921 10	71 20	.....	154 09	108 00
	3	10	695 30	.....	572 82	572 82	.....	.....	35 25	38 42
	4	47	1,960 41	.....	1,363 99	1,213 99	150 00	.....	185 66	154 24
	5	Vacant	.....	.....	.....	.....	.....	.....	.....	.....
	6	23	1,579 96	.....	284 12	284 12	.....	.....	70 40	32 45
	8	217	13,397 44	43 75	5,210 80	4,930 03	324 52	.....	873 96	408 91
	9	19	1,244 74	.....	1,041 65	1,041 56	.....	.....	54 75	95 85
LANARK.....	1	243	11,612 65	110 71	7,909 49	7,934 77	85 43	.....	1,051 25	863 82
	2	57	2,666 46	110 19	2,713 98	2,803 84	20 33	.....	243 49	238 40
	3	200	4,900 94	.....	2,376 95	2,376 95	.....	.....	409 24	263 26
	4	460	15,190 30	28 42	9,351 83	9,255 47	124 78	.....	1,348 30	781 20
	5	48	1,898 32	.....	1,692 49	1,692 49	.....	.....	162 60	191 31
LEEDS AND GRENVILLE.....	1	654	28,013 94	49 98	12,683 72	12,721 53	12 17	.....	1,991 68	935 96
	2	177	6,643 43	310 25	3,387 73	3,448 77	249 21	.....	526 75	390 06
	3	162	8,825 49	16 68	2,878 81	2,895 49	.....	.....	482 97	275 49
	4	129	5,171 17	57 52	2,716 63	2,764 95	9 20	.....	437 75	287 01

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1926, inclusive, showing:—*Continued*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Judgment summonses.	Amount of claims entered, exclusive of Transcripts of judgments and summonses	Balance of Cash in Court from the previous year.		Total amount of Suits' Money paid into Court	Total amount of Suits' Money paid out of Court	Balance of Cash in Court.		Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments		Bailiff's Returns of Emoluments		Unclaimed moneys	
				\$	c.	\$	\$	\$	c.	\$	\$	c.	\$	\$	\$	c.
LEEDS AND GREENVILLE— <i>Con.</i>	5	68	3,067 29	.....	.....	1,399 46	1,399 46	.....	.....	.....	186 55	.....	101 10	.....	.....	.....
	6	143	10,612 52	.....	.....	4,291 87	4,291 87	.....	.....	.....	698 12	.....	685 92	.....	.....	.....
	7	23	896 30	10 00	.....	301 90	311 90	.....	.....	.....	81 01	.....	92 12	.....	.....	.....
	8	61	4,586 77	50 03	.....	2,079 60	2,099 43	30 20	.....	.....	406 80	.....	335 15	.....	.....	.....
	9	72	5,466 73	15 38	.....	3,216 67	3,218 17	103 88	.....	.....	291 55	.....	230 09	.....	.....	.....
	10	20	1,986 20	11 90	.....	243 84	243 84	11 90	.....	.....	63 23	.....	.....	.....	.....	.....
	11	28	1,486 07	.....	.....	1,378 68	1,378 68	.....	.....	.....	83 63	.....	65 71	.....	.....	.....
	12	42	2,185 99	.....	.....	829 99	829 99	.....	.....	.....	160 04	.....	180 05	.....	.....	.....
	1	296	10,783 78	27 50	.....	3,932 52	3,920 02	40 00	.....	.....	839 61	.....	585 46	.....	.....	.....
	2	30	1,401 83	.....	.....	636 38	636 38	.....	.....	.....	100 13	.....	87 00	.....	.....	.....
	3	15	365 96	.....	.....	574 71	574 71	.....	.....	.....	55 78	.....	41 90	.....	.....	.....
	4	17	1,098 91	.....	.....	269 63	254 13	15 50	.....	.....	76 50	.....	.....	.....	.....	.....
LENNOX AND ADDINGTON	5	17	1,122 29	.....	.....	463 40	463 40	.....	.....	.....	63 35	.....	106 00	.....	.....	.....
	6	27	1,033 57	.....	.....	661 38	661 38	.....	.....	.....	85 75	.....	58 90	.....	.....	.....
	7	26	1,061 65	.....	.....	454 29	445 32	8 97	.....	.....	116 25	.....	75 60	.....	.....	.....
	8	36	1,623 53	.....	.....	834 50	834 50	.....	.....	.....	113 94	.....	110 10	.....	.....	.....
	9	9	267 66	.....	.....	91 73	91 73	.....	.....	.....	22 45	.....	14 70	.....	.....	.....
	1	26	1,817 81	.....	.....	719 47	709 47	10 00	.....	.....	70 95	.....	.....	.....	.....	.....
	2	913	61,385 69	401 14	.....	26,315 44	26,279 78	436 80	.....	447 00	3,990 00	.....	1,975 11	.....	.....	.....
	3	66	4,712 16	65	.....	2,910 45	2,869 88	41 22	.....	.....	363 20	.....	353 49	.....	.....	.....
	4	56	3,147 33	100 00	.....	1,175 24	1,152 74	122 50	.....	.....	256 95	.....	219 87	.....	.....	.....
LINCOLN	5	213	11,451 61	.....	.....	5,219 31	4,971 22	248 09	.....	.....	643 95	.....	394 29	.....	.....	.....
	1	44	2,859 45	.....	.....	763 15	763 15	.....	.....	.....	132 95	.....	234 31	.....	.....	.....
	2	67	3,539 71	.....	.....	2,019 75	2,014 05	5 70	.....	.....	178 70	.....	116 40	.....	.....	.....
	3	13	997 96	10 70	.....	1,005 81	1,016 51	.....	.....	.....	62 53	.....	94 45	.....	.....	.....
MANITOULIN	1	44	2,859 45	.....	.....	763 15	763 15	.....	.....	.....	132 95	.....	234 31	.....	.....	.....
	2	67	3,539 71	.....	.....	2,019 75	2,014 05	5 70	.....	.....	178 70	.....	116 40	.....	.....	.....
	3	13	997 96	10 70	.....	1,005 81	1,016 51	.....	.....	.....	62 53	.....	94 45	.....	.....	.....

	1	1945	96,991 63	5,105 93	41,834 10	44,471 42	2,468 61	1,420 00	6,925 05	3,491 50	10 91
MIDDLESEX.....	2	175	8,431 97	61 20	4,633 93	4,695 13	.....	.....	505 10	490 78	.....
	3	53	3,209 40	26 00	1,479 98	1,485 23	20 75	.....	172 30	215 65	.....
	4	47	2,305 49	.....	1,568 79	1,568 79	.....	.....	200 28	277 22	.....
	5	90	6,756 27	30 56	3,642 70	3,572 92	100 34	.....	398 76	180 75	.....
	6	82	5,536 36	.....	2,764 04	2,756 32	7 72	.....	150 55	117 51	.....
	7	44	3,846 08	126 29	2,358 20	2,126 08	363 21	.....	61 17	99 40	.....
	8	16	1,013 69	.....	657 89	657 89	.....	.....	2,856 22	1,766 71	10 87
	9	923	41,453 50	2,447 17	17,850 80	18,026 19	1,271 78	171 24	.....	.....	.....
MUSKOKA.....	1	165	11,442 13	.....	2,309 05	2,309 05	.....	.....	570 87	285 79	.....
	2	48	2,339 04	124 22	1,523 92	1,498 51	149 63	.....	194 71	40 97	.....
	3	121	6,483 82	.....	2,268 82	2,268 82	.....	.....	458 36	308 74	.....
NIPISSING.....	1	440	20,975 60	100 88	9,119 29	37,693 68	262 00	.....	1,280 56	1,027 71	.....
	2	68	4,519 75	58 18	3,038 28	3,016 48	79 98	.....	254 45	208 50	.....
	3	682	44,341 73	.....	10,119 65	10,043 44	76 21	174 26	2,871 30	1,535 73	.....
NORFOLK.....	1	507	24,640 93	123 52	10,665 06	10,582 98	205 60	.....	1,626 78	1,481 51	.....
	2	126	6,506 48	231 86	3,222 12	3,412 98	41 00	.....	440 15	262 50	.....
	3	10	774 94	.....	341 19	341 19	.....	.....	85 07	.....	.....
	4	74	4,324 26	72 43	1,520 06	1,494 49	98 00	.....	234 44	181 34	.....
	5	24	1,768 35	3 45	716 53	718 86	1 12	.....	85 90	85 60	.....
	6	106	3,250 35	.....	1,946 40	1,906 44	39 96	.....	386 10	305 55	.....
	7	30	1,629 29	37 52	1,004 29	964 81	77 00	.....	165 35	97 60	.....
	8	38	1,173 64	35 10	518 26	533 95	19 41	.....	129 65	98 40	.....
NORTHUMBERLAND AND DURHAM.....	1	195	11,166 03	5 00	4,175 60	4,100 78	79 82	.....	719 01	288 90	.....
	2	46	2,999 89	43 07	1,533 02	1,572 09	4 00	.....	236 65	185 96	.....
	3	263	10,533 61	6 23	5,188 05	5,095 45	98 83	.....	830 85	595 42	.....
	4	37	2,360 24	50 73	1,006 55	959 02	47 53	.....	115 65	93 00	.....
	5	299	12,875 88	.....	5,903 94	5,877 89	26 05	.....	878 88	473 71	.....
	6	38	2,128 30	.....	1,377 78	1,377 78	.....	.....	189 53	205 40	.....
	7	120	5,209 03	168 23	2,675 29	2,696 17	147 35	.....	379 05	313 00	.....
	8	126	6,005 00	120 75	2,033 38	2,103 84	40 29	.....	436 90	321 60	.....
	9	68	2,776 44	.....	2,291 24	2,291 24	.....	.....	242 61	272 45	.....
	10	22	736 71	1 00	458 94	436 64	23 30	.....	62 93	74 45	.....
	11	178	7,172 98	157 26	6,380 61	6,394 78	143 09	.....	578 95	363 32	.....
ONTARIO.....	1	788	42,074 28	199 67	16,027 06	15,523 80	702 93	258 23	3,219 19	2,483 55	.....
	2	64	4,413 04	156 00	2,121 70	2,273 88	3 82	.....	228 43	340 73	.....
	3	89	3,764 65	.....	2,583 90	2,510 57	73 33	.....	875 65	253 74	.....
	4	36	2,339 64	16 66	1,115 94	1,094 47	38 13	.....	174 91	128 70	.....
	5	50	2,453 46	.....	717 46	717 46	.....	.....	148 26	137 17	.....
	6	43	2,174 93	.....	2,069 70	1,991 67	78 03	.....	194 48	127 15	.....
	7	45	2,303 56	40 00	1,404 32	1,419 32	25 00	.....	135 00	.....	.....

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1926, inclusive, showing:—*Continued*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of judgments and Judgment summonses	Balance of Cash in Court from the previous year.		Total amount of Suits Money paid into Court		Total amount of Suits Money paid out of Court		Balance of Cash in Court.		Surplus Rees payable to the Hon. the Provincial Treasurer		Clerk's Returns of Emoluments		Bailiff's Returns of Emoluments		Unclaimed moneys.
				\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	
OXFORD.....	1	650	32,115 41	124 77	50 34	14,451 57	14,466 24	1,489 43	110 10	127 87	2,639 35	1,164 25	1,164 25	133 90	114 10	75 00	75 00	.....
	2	24	1,497 54	.....	.....	600 00	4,670 80	7,438 42	2 41	.....	699 05	476 52	476 52	100 00	.....	.....	.....	.....
	3	20	1,000 00	.....	.....	4,670 80	7,438 42	5,715 26	503 39	.....	1,031 56	477 03	477 03	.....	.....	.....	.....	.....
	4	175	9,562 31	174 00	267 29	7,674 52	5,706 26	389 13	9 00	.....	826 48	717 03	717 03	.....	.....	.....	.....	.....
	5	300	12,893 48	.....	.....	5,715 26	5,706 26	389 13	.....	.....	59 29	36 25	36 25	.....	.....	.....	.....	.....
	6	230	15,058 13	.....	.....	389 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	7	20	1,314 35	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
PARRY SOUND.....	1	270	11,161 64	364 63	.....	4,908 50	4,889 59	265 50	383 54	.....	919 25	760 71	760 71	35 58	.....	.....	.....	.....
	2	9	265 50	.....	.....	211 72	246 19	2,897 69	5 20	.....	31 76	36 90	36 90	314 65	288 15	44 40	44 40	.....
	3	9	457 02	39 57	185 49	2,839 45	446 91	1,570 76	41 99	.....	218 30	248 24	248 24	130 95	.....	.....	.....	.....
	4	103	3,120 12	.....	.....	1,612 75	1,378 74	3,473 55	.....	.....	596 60	377 85	377 85	346 24	388 91	208 75	208 75	.....
	5	12	840 64	.....	.....	1,677 45	1,633 11	12,541 11	135 91	.....	2,819 38	1,604 68	1,604 68	407 95	314 18	570 10	570 10	.....
	6	48	4,201 38	.....	.....	3,429 74	3,429 74	5,082 14	9 55	.....	717 70	27 95	27 95	27 95	27 95	218 05	218 05	.....
	7	41	2,106 72	.....	.....	1,633 11	1,633 11	14,843 01	80 00	.....	1,485 25	779 18	779 18	.....	.....	.....	.....	.....
PEEL.....	1	168	16,402 62	.....	.....	3,473 55	3,473 55	12,854 14	135 91	163 87	2,819 38	1,604 68	1,604 68	407 95	314 18	570 10	570 10	.....
	2	123	7,289 71	.....	.....	3,429 74	3,429 74	5,082 14	9 55	.....	717 70	27 95	27 95	27 95	27 95	218 05	218 05	.....
	3	41	2,834 86	14 00	.....	1,677 45	1,633 11	14,843 01	80 00	.....	1,485 25	779 18	779 18	.....	.....	.....	.....	.....
	4	31	2,914 43	.....	.....	1,633 11	1,633 11	14,843 01	80 00	.....	1,485 25	779 18	779 18	.....	.....	.....	.....	.....
PERTH.....	1	953	34,343 06	448 94	.....	12,541 11	12,854 14	3,095 80	135 91	163 87	2,819 38	1,604 68	1,604 68	407 95	314 18	570 10	570 10	.....
	2	111	7,039 20	.....	.....	3,095 80	3,095 80	5,072 59	9 55	.....	717 70	27 95	27 95	27 95	27 95	218 05	218 05	.....
	3	239	11,814 35	.....	.....	5,082 14	5,072 59	356 57	16 97	.....	240 95	218 05	218 05	1,485 25	779 18	.....	.....	.....
	4	6	358 06	.....	.....	373 24	356 57	2,100 15	80 00	.....	1,485 25	779 18	779 18	.....	.....	.....	.....	.....
	5	55	4,156 00	.....	.....	2,180 15	2,100 15	14,843 01	.....	.....	1,485 25	779 18	779 18	.....	.....	.....	.....	.....
	6	383	25,700 95	10 00	.....	14,843 01	14,853 01	14,853 01	.....	.....	1,485 25	779 18	779 18	.....	.....	.....	.....	.....
PETERBOROUGH.....	1	601	32,874 36	44 28	.....	14,316 42	14,329 30	2,832 15	31 40	55 03	2,275 17	1,308 20	1,308 20	178 95	74 99	103 77	103 77	.....
	2	49	4,015 00	13 00	.....	2,846 74	2,832 15	1,950 42	14 59	.....	178 95	74 99	74 99	199 30	.....	.....	.....	.....
	3	62	3,432 11	.....	.....	1,950 42	1,950 42	.....	.....	.....	199 30	103 77	103 77	.....	.....	.....	.....	.....

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1926, inclusive, showing:—*Continued*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgments and Judgment summonses	Balance of Cash in Court from the previous year.		Total amount of Sutors' Money paid into Court		Total amount of Sutors' Money paid out of Court		Balance of Cash in Court.		Surplus Fees payable to the Hon. the Provincial Treasurer		Clerk's Returns of Emoluments		Bailiff's Returns of Emoluments		Unclaimed monies.
				\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	
SIMCOE— <i>Continued</i>	8	167	1,304 43	367 72		6,901 77		7,009 46		260 03				667 65		449 05		
	9	966	43,409 98	713 33		19,044 76		19,429 68		328 41		213 70		3,158 48		2,252 70		
	10	66	3,525 46	22 75		2,064 46		2,087 21						261 68		245 00		
STORMONT, DUNDAS AND GLENGARRY.....	1	81	5,117 26			2,705 53		2,705 53						288 40		102 10		
	2	160	10,209 78	150 67		7,435 95		7,566 32		20 30				633 55		508 65		
	3	566	23,796 39	120 80		13,826 70		13,907 65		39 85		38 00		2,189 96		1,517 23		
	4	36	2,551 69	3 04		1,083 50		1,031 36		52 14				220 54				
	5	122	6,646 08	57 48		2,203 47		2,190 14		70 81				437 33		279 61		
	6	83	3,960 83			1,524 47		1,406 23		118 24				271 93		114 00		
	7	67	4,976 40	275 00		1,422 89		1,652 77		45 12				291 20		339 71		
	8	89	4,737 63	70 90		2,964 49		2,956 05		79 34				279 20		218 75		
	9	80	6,277 10			4,230 19		4,230 19						327 99				
	10	170	9,914 23	62 49		5,624 88		5,658 68		28 69				458 80		533 14		12 57
	11	65	5,158 85	239 39		3,614 29		3,821 68		32 00				305 05		199 60		
	12	111	6,771 36	39 84		2,833 26		2,833 26		39 84				393 40		189 63		
SUDBURY.....	1	952	68,366 00	3,906 25		21,922 61		23,033 25		2,795 61		550 86		4,336 20		2,731 22		22 55
	2	45	2,195 43	94 03		805 61		878 18		21 46				282 43		257 50		
	3	81	5,743 55	207 34		1,610 13		1,724 92		92 55				212 57		292 90		
	4	38	4,116 77			1,979 61		1,979 61						172 45		301 50		
	5	97	6,019 94	8 50		1,577 43		1,577 43		8 50				394 08		62 15		
TEMISKAMING.....	1	517	43,516 08	50 08		15,721 90		15,355 50		416 48		123 89		2,619 45		1,709 27		
	2	364	28,205 62	16 70		12,974 61		12,930 31		61 00		7 45		2,037 29		1,311 25		
	3	204	14,535 92	63 26		10,767 19		10,762 77		67 68				811 10		716 99		
	4	228	15,032 50	376 61		9,199 50		9,160 91		415 20				1,186 35		935 32		
THUNDER BAY.....	1	674	43,119 65			20,505 45		20,464 60		40 85		71 70		2,358 46		1,804 24		
	2	80	4,253 31			1,501 93		1,501 93						149 43		47 70		

3 4 5	VICTORIA	620	47,422 99	1,457 81	23,290 30	23,748 05	1,000 06	79 44	2,397 20	1,413 87
		22	770 99		464 51	462 61	1 90		56 45	46 50
		24	979 44		928 69	928 69			24 55	15 40
		15	742 65		172 28	172 28			50 00	68 75
		40	248 17		1,750 72	1,750 72			128 84	123 49
1		32	2,379 88	4 80	557 93	561 93			127 95	
2		18	1,077 77		110 45	110 45			71 20	63 84
3		378	18,447 76	18 93	6,705 73	6,641 36	84 30		1,085 30	586 25
4		9	527 08		186 96	186 96			22 56	24 40
5		31	970 51		780 83	780 83			70 64	97 20
1 2 3 4 5 6 7	WATERLOO	1287	92,060 00	224 39	26,951 20	26,670 09	505 50	432 46	3,941 55	1,942 60
		187	6,779 79		4,397 27	4,397 27			645 70	399 86
		522	19,831 68	3 37	9,934 03	9,779 08	158 32		1,608 80	711 15
		115	5,827 38		2,689 57	2,679 82	9 75		371 50	546 40
		106	6,497 08		4,369 39	4,361 39	8 00		369 40	236 60
		65	3,846 97	19 00	1,318 45	1,337 45			209 60	224 00
		13	1,200 72	10 00	821 02	801 73	29 29		69 35	48 21
1 2 3 4 5 6	WELLAND	1110	59,369 54	447 57	28,025 24	28,226 65	246 16	714 99	4,883 28	2,675 87
		34	1,798 99		1,109 24	1,109 24			165 90	
		227	12,290 77		5,823 19	5,712 21	110 98		833 50	959 28
		654	40,274 12	1,404 51	15,778 44	14,791 84	2,391 11	150 66	2,753 30	2,001 91
		269	11,979 62	628 09	4,769 64	4,951 14	446 59		843 07	461 70
		555	27,205 38	3 08	18,490 74	18,408 56	85 26	55 01	2,275 06	1,185 78
1 2 3 4 5 6 7 8 9 10 11	WELLINGTON	1232	55,639 39	453 70	24,657 20	25,079 56	31 34	502 66	4,175 54	2,228 25
		9	722 93		80 07	80 07			62 11	
		11	469 04		321 37	321 37			44 05	30 48
		104	4,471 49	84 00	3,106 00	3,190 01			411 05	216 36
		63	3,809 25	23 15	2,420 87	2,420 87	23 15		235 23	190 35
		48	2,853 74	8 80	1,187 14	1,137 44	58 50		320 00	99 25
		92	6,649 90		3,076 89	3,076 89			401 40	311 64
		163	10,766 89	5 63	5,469 02	5,160 78	313 87		487 85	475 65
		89	6,507 32	352 87	2,729 83	2,952 11	130 59		375 85	324 00
		141	7,988 12	38 90	3,799 48	3,826 13	12 25		507 30	571 60
		1616	98,228 50	1,230 45	34,553 93	34,203 11	1,581 27	1,121 26	6,178 15	2,912 77
1	WENTWORTH	165	8,617 70	177 25	4,525 48	4,519 48	6 00		596 25	558 88
2		126	6,374 12	30 79	2,933 29	2,790 25	173 83		452 80	316 85
3		28	1,189 32		1,203 11	1,203 11			146 25	209 90
4		73	5,246 06	22 63	1,220 38	1,192 26	28 12		208 16	140 00
5		1681	118,283 89	1,196 46	38,712 61	38,311 27	1,597 80	1,730 70	7,701 75	3,493 24

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1926, inclusive, showing:—*Concluded*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of judgments and judgment summonses.	Amount of claims entered, exclusive of Transcripts of judgments and judgment summonses	Balance of Cash in Court from the previous year.	Total amount of Sutors' Money paid into Court	Total amount of Sutors' Money paid out of Court	Balance of Cash in Court.	Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments	Bailiff's Returns of Emoluments	Unclaimed moneys
			\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
YORK.....	1	6243	509,238 58	3,902 19	86,176 46	87,325 37	2,753 28	*1,061 00	25,602 58	12,304 56	\$ 99 35
	2	49	3,219 96	.....	2,412 28	2,412 28	.....	14,351 94	217 65	167 30	.....
	3	129	6,636 80	78 10	5,300 37	5,338 75	39 72	.....	627 00	470 89	.....
	4	258	16,971 82	33 81	7,989 14	7,946 90	76 05	.....	1,122 76	1,180 69	.....
	5	55	4,371 18	335 15	1,478 29	1,660 10	153 34	.....	265 70	153 05	.....
	6	164	7,815 45	26 15	4,164 99	4,149 88	41 26	.....	548 60	448 55	.....
	7	34	2,454 03	5 00	1,098 92	1,103 92	.....	.....	125 07	142 45	.....
	8	1217	85,496 22	490 34	19,218 11	19,468 45	240 00	.....	4,926 60	3,259 53	.....
	9	402	23,619 80	49 43	8,999 50	8,883 09	165 84	8,530 00	1,916 30	1,579 59	.....
	10	4342	324,052 16	2,373 76	59,333 14	58,737 09	2,769 81	*551 22	17,840 35	9,512 25	34 30
	11	187	9,464 75	150 73	2,210 59	2,216 51	144 81	.....	858 37	590 15	477 96
										Additional	4 25
Totals.....	343	80,221	4,796,526 29	51,017 11	1,857,219 55	1,832,346 54	52,835 48	48,268 34	.....	.....	482 23

Statement Respecting Registrars of Deeds

Statement showing the earnings, disbursements, net incomes, etc., of Registrars of Deeds for

No.	Registry Division	Where Office Situate	Registrar	Gross earnings
				\$ c.
1	Algoma.....	Sault Ste. Marie....	H. J. Moorehouse.....	3,926 08
2	Brant.....	Brantford.....	Alex. Graham.....	5,524 35
3	Bruce.....	Walkerton.....	W. H. McFarlane.....	6,177 40
4	Carleton.....	Ottawa.....	A. E. Hunt.....	6,004 53
5	Cochrane.....	Cochrane.....	aJ. A. Clermont.....	9,555 01
6	Dufferin.....	Orangeville.....	F. J. Patterson.....	2,589 15
7	Dundas.....	Morrisburg.....	R. J. Dillen.....	1,504 15
8	Durham, E.....	Port Hope.....	bW. H. Scott.....	1,590 75
9	Durham, W.....	Bowmanville.....	Miss J. A. Pollard.....	1,786 01
10	Elgin.....	St. Thomas.....	J. H. Coyne.....	6,026 24
11	Essex.....	Sandwich.....	J. O. Reaume.....	43,511 96
12	Fort William.....	Fort William.....	cJ. E. Swinburne.....	6,244 89
13	Frontenac.....	Kingston.....	W. J. Gibson.....	5,075 65
14	Glengarry.....	Alexandria.....	J. A. McRae.....	2,039 77
15	Grenville.....	Prescott.....	W. S. Johnston.....	1,628 55
16	Grey, North.....	Owen Sound.....	Geo. P. Creighton.....	3,972 05
17	Grey, South.....	Durham.....	A. H. Jackson.....	2,987 35
18	Haldimand.....	Cayuga.....	W. H. Howard.....	3,075 90
19	Haliburton.....	Minden.....	A. W. Fleming.....	920 00
20	Halton.....	Milton.....	Victor Chisholm.....	5,002 65
21	Hastings.....	Belleville.....	R. J. S. Dewar.....	7,022 65
22	Huron.....	Goderich.....	Wm. Coats.....	5,596 70
23	Kenora.....	Kenora.....	dMrs. E. A. Cunningham...	3,847 35
24	Kent.....	Chatham.....	J. B. Clark.....	8,316 48
25	Lambton.....	Sarnia.....	A. MacLean.....	8,644 52
26	Lanark, North.....	Almonte.....	H. C. Bowland.....	1,365 80
27	Lanark, South.....	Perth.....	Jas. Armour.....	2,033 15
28	Leeds.....	Brockville.....	A. W. Gray.....	3,272 59
29	Lennox and Addington...	Napanee.....	G. S. Reid.....	2,475 85
30	Lincoln.....	St. Catharines.....	C. E. Fisher.....	9,547 44
31	London.....	London.....	R. H. Dignan.....	7,417 10
32	Manitoulin.....	Gore Bay.....	eC. C. Platt.....	1,502 30
33	Middlesex, East and North	London.....	Miss M. V. Walker.....	6,491 18
34	Middlesex, West.....	Glencoe.....	R. Dunlop.....	1,865 22
35	Muskoka.....	Bracebridge.....	fC. E. Lount.....	4,200 00
36	Nipissing.....	North Bay.....	gJ. M. Deacon.....	5,741 87
37	Norfolk.....	Simcoe.....	W. M. McGuire.....	4,526 45
38	Northumberland, East....	Colborne.....	A. G. Willoughby.....	2,717 25
39	Northumberland, West....	Cobourg.....	Hugh McCullough.....	1,847 80
40	Ontario.....	Whitby.....	G. W. Dryden.....	8,491 65
41	Ottawa.....	Ottawa.....	J. P. Fisher.....	10,665 45
42	Oxford.....	Woodstock.....	W. L. MacWhinnie.....	5,812 70
43	Parry Sound.....	Parry Sound.....	C. Gillespie.....	1,637 50
44	Peel.....	Brampton.....	F. J. Jackson.....	5,091 10
45	Perth, North.....	Stratford.....	Jas. Steele.....	4,639 20
46	Perth, South.....	St. Mary's.....	G. D. L. Rice.....	1,770 55
47	Peterborough.....	Peterborough.....	W. F. Morrow.....	5,689 40
48	Port Arthur.....	Port Arthur.....	hJ. M. Munro.....	6,768 58
49	Prescott.....	L'Orignal.....	H. M. Mooney.....	2,585 48
50	Prince Edward.....	Pictou.....	J. H. Holmes.....	1,956 60
51	Rainy River.....	Fort Frances.....	iW. J. Keating.....	4,744 87
52	Renfrew.....	Pembroke.....	R. A. Campbell.....	4,422 21
53	Russell.....	Russell.....	J. A. Gamble.....	2,261 55
54	Simcoe.....	Barrie.....	R. J. Sanderson.....	11,806 99
55	Stormont.....	Cornwall.....	J. C. Alguire.....	2,719 55
56	Sudbury.....	Sudbury.....	S. Fournier.....	6,646 67
57	Temiskaming.....	Haileybury.....	Lorne H. Ferguson.....	9,004 70
58	Toronto.....	Toronto.....	Thos. Crawford.....	96,755 15

the year ending 31st December, 1926, and the sums payable under Section 101 of *The Registry Act*.

Disbursements	Net Income	Percentage under Sec. 101	Net for Registrar	INSTRUMENTS			No.
				Number registered	Number uncopied	Number copied but not compared	
\$ c.	\$ c.	\$ c.	\$ c.				
1,909 48	2,016 60	53 32	1,963 28	1,609	67		1
1,815 00	3,709 35	654 68	3,054 67	2,835			2
2,950 00	3,227 40	413 70	2,813 70	2,674			3
3,038 81	2,965 74	289 71	2,676 03	2,307			4
7,675 25		1,879 76	4,000 00	74			5
528 00	2,061 15	62 23	1,998 92	1,188			6
700 00	804 15		804 15	783			7
615 00	975 75		975 75	691	3		8
882 70	903 31		903 31	809			9
2,018 37	4,017 87	776 24	3,241 63	2,829			10
13,309 81	30,202 15	23,582 13	6,620 02	19,777	131		11
2,847 41	3,397 48	498 74	2,898 74	1,561			12
2,168 00	2,907 65	272 30	2,635 35	2,243	65		13
800 00	1,239 77		1,239 77	969			14
500 00	1,128 55		1,128 55	754			15
2,146 45	1,825 60	32 56	1,783 04	3,214			16
776 82	2,220 53	94 10	2,126 43	1,387			17
979 62	2,096 28	69 25	2,027 03	1,497			18
13 50	916 50		916 50	373			19
1,953 25	3,049 40	324 70	2,724 70	2,028			20
2,977 06	4,045 59	822 80	3,222 79	2,971	151		21
1,976 55	3,530 12	565 06	2,965 06	2,697			22
1,134 35	2,713 00	213 90	2,499 10	222			23
3,460 00	4,856 48	1,228 24	3,628 24	4,232			24
4,814 00	3,830 52	715 26	3,115 25	4,245			25
300 00	1,065 80		1,065 80	634	8		26
700 00	1,333 15		1,333 15	953			27
382 75	2,889 84	266 95	2,622 89	1,757			28
694 00	1,781 85	28 18	1,753 67	1,004			29
4,883 85	4,663 59	1,131 79	3,531 80	3,635	2,012		30
2,622 00	4,795 10	1,197 55	3,597 55	3,871			31
778 00	724 30		724 30	406	8	10	32
1,804 15	4,687 03	1,143 52	3,543 51	3,037			33
600 00	1,265 22		1,265 22	843			34
983 95	3,216 05	408 03	2,808 02	1,062	71		35
5,412 64		5,374 62	3,000 00	1,284			36
1,850 00	2,676 45	202 94	2,473 51	2,078			37
718 00	1,999 25	49 92	1,949 33	1,137	89		38
530 00	1,317 80		1,317 80	728	220		39
4,059 74	4,431 91	1,015 95	3,415 96	3,762			40
6,413 55	4,251 90	925 95	3,325 95	4,516			41
2,887 00	2,925 70	277 71	2,647 99	2,647			42
148 00	1,489 50		1,489 50	676			43
1,632 00	3,459 10	529 55	2,929 55	2,516			44
1,195 85	3,443 35	521 67	2,921 68	2,315			45
781 00	980 55		989 55	824			46
1,607 00	4,082 40	841 20	3,241 20	2,526	6	21	47
2,048 39	4,720 19	1,160 10	3,560 10	1,308			48
492 32	2,093 16	68 63	2,024 53	1,246			49
135 00	1,821 00	32 10	1,788 90	856			50
1,155 25	3,589 62	594 81	2,994 81	31	8		51
1,620 00	2,802 21	240 66	2,561 55	2,068			52
850 00	1,411 35		1,411 55	1,020	70		53
4,583 27	7,223 72	2,901 34	4,322 38	5,119			54
1,244 00	1,475 55		1,475 55	1,287			55
2,367 51	4,279 16	939 58	3,339 58	619			56
6,750 83		2,206 40	4,000 00	24			57
56,298 29		40,456 86	8,000 00	46,482			58

Statement showing the earnings, disbursements, net incomes, etc., of Registrars of Deeds for
—Con

No.	Registry Division	Where Office Situate	Registrar	Gross earnings
				\$ c.
59	Victoria.....	Lindsay.....	C. D. Barr.....	3,156 20
60	Waterloo.....	Kitchener.....	O. S. Eby.....	10,781 30
61	Welland.....	Welland.....	E. E. Fraser.....	18,010 34
62	Wellington, North.....	Arthur.....	Jas. Tucker.....	2,561 11
63	Wellington, South & Centre	Guelph.....	H. Hortop.....	5,444 80
64	Wentworth.....	Hamilton.....	R. K. Hope.....	27,966 59
65	York, East and West.....	Toronto.....	J. W. Mallon.....	40,915 80
66	York, North.....	Newmarket.....	R. L. Boag.....	4,063 53

*a*J. A. Clermont and staff are paid direct by Provincial Treasurer; all fees sent to Inspector Legal Offices.

*b*W. H. Scott died 19th September, 1926; Miss V. A. Scott, Deputy, acted until end of year. R. H. Hodgson appointed by Order-in-Council 3rd May, 1927.

*c*Land Titles Office included.

*d*Land Titles Office included.

*e*Land Titles Office included; also \$600.00 salary paid by Province.

*f*Land Titles Office included.

*g*Land Titles Office included; Mr. Deacon and staff are paid direct by Province.

*h*Land Titles Office included.

*i*Land Titles Office included.

A. W. Gray appointed 7th December, 1926; H. C. Smart, Deputy, acting to that date

the year ending 31st December, 1926, and the sums payable under Section 101 of *The Registry Act*.
cluded

Disburse- ments	Net Income	Percentage under Sec. 101	Net for Registrar	INSTRUMENTS			No.
				Number registered	Number uncopied	Number copied but not compared	
\$ c.	\$ c.	\$ c.	\$ c.				
1,277 50	1,878 70	37 87	1,840 83	1,451	.....	.....	59
5,045 16	5,736 14	1,668 07	4,068 07	5,386	.....	.....	60
8,512 29	9,498 05	4,948 24	4,549 81	7,402	.....	.....	61
1,236 62	1,324 49	.....	1,324 49	1,248	40	200	62
2,038 00	3,406 80	503 40	2,903 40	2,602	.....	.....	63
17,829 00	10,137 59	5,523 82	4,613 77	13,463	.....	.....	64
19,587 50	21,328 30	15,595 47	5,732 83	19,452	2,887	136	65
1,500 00	2,563 53	169 05	2,394 48	1,820	.....	.....	66

Statement Respecting Land Titles Offices

PROVINCE OF ONTARIO, 1926

Muskoka	Nipissing	Ottawa	Parry Sound	Port Arthur	Rainy River	Sudbury	Temiskaming	Toronto	Whitby
	1		1	2	3				
			1	1	3			7	
		3		1					
	1								
	92		65	42	56	23	65		
	92		65	38	53	17	62	8	
				4	3	6	3		
40	59		96	47	35	88	258		
40	60		96	47	35	88	255		
							1		
							2		
1	50			9		38	117		
1	53			9		38	115		
							2		
15		25	26	1		6	38		
25	60		95	45	35	82	220		
	50			7		32	88		
				2		6	29		
	3								
221	396	219	348	196	602	490		3219	
115	427	489	187	167	532	829	1848	9572	
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
177 53	102 68		177 35	76 45	114 88	362 27	746 36	164 58	
1,377 95	3,217 87	2,298 15	3,525 03	3,025 43	3,781 72	5,104 37	9,004 70	40,599 00	

LOCAL MASTERS OF TITLES, PROVINCE OF ONTARIO, 1926

I.—Local Masters who are also Registrars of Deeds and who remit all fees to the Province and are paid salaries by the Province.

No.	Division	Where office situated	Name	Fees sent to Province	Salaries and disbursements paid by Province	Surplus after deducting disbursements
1	Cochrane.....	Cochrane.....	J. A. Clermont.....	\$9,555 01	Salaries..... \$3,265 38 Other expenses..... 409 87	\$1,879 76
2	Nipissing.....	North Bay.....	J. M. Deacon.....	5,741 87	Salaries..... 2,165 00 Other expenses..... 247 64	329 23
3	Temiskaming.....	Haileybury.....	L. H. Ferguson.....	9,004 70	Salaries..... 2,506 48 Other expenses..... 244 35	2,206 40

II.—Local Masters who are also Registrars of Deeds and who take fees.

No.	Division	Where office situated	Name	Gross earnings, L.T.O.	Gross earnings, Reg. Office	Total gross earnings	Disbursements	Net income	Percentage payable to Province	Net to officer
1	Fort William.....	Fort William..	J. E. Swinburne.....	\$2,409 15	\$3,835 74	\$6,244 89	\$2,847 41	\$3,397 48	\$498 74	\$2,898 74
2	Kenora.....	Kenora.....	Mrs. E. A. Cunningham	3,330 80	516 55	3,847 35	1,134 35	2,713 00	213 90	2,499 10
3	Manitoulin.....	Gore Bay.....	C. C. Platt.....	73 20	1,429 10	1,502 30	778 00	724 30	.....	724 30
4	Muskoka.....	Bracebridge.....	C. E. Lount.....	1,377 95	2,822 05	4,200 00	983 95	3,216 05	408 03	2,808 02
5	Rainy River.....	Fort Frances.....	W. J. Keating.....	4,674 72	70 15	4,744 87	1,155 25	3,589 62	594 81	2,994 81
6	Sudbury.....	Sudbury.....	S. Fournier.....	5,104 37	1,542 30	6,646 67	2,367 51	4,279 16	939 58	3,339 58
7	Port Arthur.....	Port Arthur.....	J. M. Munro.....	3,025 43	3,743 15	6,768 58	2,048 39	4,720 19	1,160 09	3,560 10
8	Elgin.....	St. Thomas.....	J. H. Coyne.....	54 38	5,971 86	6,026 24	2,018 37	4,017 87	*776 24	3,241 63

*Out of this amount Mr. Coyne pays \$300.00 for caretaking, leaving \$349.24 to county and \$127.00 to city.

III.—Local Masters who are not Registrars of Deeds who receive salaries.

No.	Division	Where office situate	Name	Total fees earned	Salaries and dis- bursements	Remarks
1	Algoma.....	Sault Ste. Marie....	V. McNamara.....	\$1,618 00	\$3,304 00	There is a deficit in this office of \$1,686.00.
2	Toronto.....	Toronto.....	G. W. Holmes.....	40,599 00	36,774 52	The disbursements do not include office furniture sup- plied during the year.

IV.—Local Masters who are not Registrars of Deeds and who take fees.

No.	Division	Where office situate	Name	Total earnings	Disbursements	Net earnings
1	Ottawa.....	Ottawa.....	F. A. Magee.....	\$2,298 15	\$566 30	\$1,731 85
2	Parry Sound.....	Parry Sound.....	W. L. Haight.....	3,525 03	2,354 92	1,170 11
3	*Whitby.....	Whitby.....	Judge Thompson.....	.....	.....	.....

*No returns received.

REPORT OF THE INSPECTION OF THE DIVISION COURTS

I have the honour to submit the following report upon the Division Courts of the Province for the year ending the 31st of December, 1926.

The total number of claims entered in the Court for the year was 80,221, while the amount of suits was \$4,796,526.29. The amount of suitors' moneys actually paid into Court totalled \$1,857,219.55 and the total amount of suitors' moneys paid out of Court totalled \$1,832,346.54, being a slight decrease over the previous year. The total revenue collected from the officers, as provided by *The Public Officers Fees Act*, amounted to \$48,268.34, in addition to this there was collected \$482.23 in unclaimed moneys, as provided by Section 43 of *The Division Courts Act*, making a total revenue of \$48,750.57.

In the accompanying tables full detail will be found of the business transacted.

Where vacancies occurred from death, resignation or removal for misconduct they were filled as they occurred.

INSPECTION

The duties of outside inspection occupies a large portion of the time during the year. The wide extension of territory and the large number of offices to be visited requires unceasing and continual travel from point to point. Then the investigation into the more serious complaints preferred against the officials takes up a great deal of time—the inquiry can only be conveniently and properly made at the Clerk's office, no matter how distant, where the books and papers can be examined and evidence produced.

There is little diminution in the actual number of complaints filed against officers, but upon inquiry it was found that many of the complaints were without just foundation.

I feel it my duty to report that I find the great majority of officers of the Courts careful and diligent in the performance of their duties and bear testimony of the intelligence and integrity with which the duties are performed.

Complaints by Clerks against other Clerks, because of the non-payment of "Foreign Fees," still continues to be made in too many instances, although I am pleased to be able to report that in most cases a ready response has been made when official attention has been directed to the neglect of this duty.

I have frequently pointed out to the Clerks that it is very unfair to transmit a summons, particularly to a Court in New Ontario, without making a deposit sufficient to cover the costs, as in many instances it is necessary for the bailiff to travel, sometimes, forty or fifty miles to effect a service, and the Foreign Clerk is responsible to his Bailiff for his fees, which are promptly paid, and if a deposit is not made, in many instances the account will run for months before being paid.

Many complaints are still received as to the neglect of Clerks in answering letters of suitors. This is an offense that always causes annoyance and frequently leads to trouble and inconvenience. Any officer of the Court who has any proper understanding of the courtesy and consideration due to others will not be an offender in this respect. The rule requires that return postage shall be enclosed in every case by those asking for information. When this is done the official has no excuse and is obliged to answer. If he fails to do so the habitual offender who neglects this necessary duty will be speedily brought to realize the result of his misconduct.

Another duty which Court Clerks appear to overlook and of which complaint has been made, is the failure to collect interest. This should be attended to in every case and the calculation and addition of interest made with the same carefulness as in giving the figures on the debt and cost.

WORKMEN'S COMPENSATION ACT

There is a new duty imposed upon the Clerks by the amendment to *The Workmen's Compensation Act*. When a certificate is received by the Clerk from the Workmen's Compensation Board it should be entered in the same way as a transcript, it then becomes a judgment of the Court. The Act provides a fee of \$1.00 for receiving and entering the certificate. The ordinary schedule of fees for issuing an execution or other process would apply except in cases not exceeding \$10.00—then the special fees, made applicable to suits not exceeding \$10.00, must then govern.

CHILDREN OF UNMARRIED PARENTS

Section 20, Clause B, provides that when an order is filed under this Act with the Clerk of the Division Court, an entry shall be made in the Procedure book in the same manner as under *The Workmen's Compensation Act*, whereupon proceedings by way of Execution or Judgment summons may be taken to enforce such order, for which the Clerk shall be entitled to tax \$1.00 in addition to the ordinary Division Court fees.

DUTIES OF CLERKS AND BAILIFFS

The reluctance of Clerks to report neglect of duty on the part of their Bailiff prevails, and in some instances the Clerk forgets that it is his duty to see that his Bailiff serves the processes handed to him for service promptly and that executions and warrants are enforced as the law requires, and to enforce a penalty for neglect, by the disallowance to the Bailiff of his fees, as well as to report him. Section 51 of the Act provides that if the Bailiff neglects to return any process of execution within the time required by law he shall for such neglect forfeit his fees thereon, and all fees so forfeited shall be held to have been received by the Clerk, who shall keep a special account thereof, and pay over the same to the Clerk of the Peace, to be paid over to the Treasurer of the Province to form part of the Consolidated Revenue Fund.

DIVISION COURT COSTS

The Division Court costs form a subject upon which there would appear to be, to say the least, a good deal of misapprehension in some quarters. A fair examination of the fees allowed by the Tariff and the figures given in the returns, could not fail to dissipate much erroneous opinion upon this head.

Dividing the number of suits into the total emoluments of the Clerks and Bailiffs, we find the average costs to amount to about \$4.00 in each suit.

When increased jurisdiction was given to these courts, owing to the increase in price of commodities, it was necessary to call a meeting of the Board of Judges for the purpose of revising the tariff. Very little increase was given on claims not exceeding \$60.00, and on claims exceeding \$60.00 and not \$200.00, the increase given amounted to approximately 25 per cent. Where the claim exceeded \$200.00 and not \$400.00 it was necessary for the Board to fix a new

tariff. Judgments by default can now be obtained in the Division Courts, where the claim is entered for an amount between three and four hundred dollars, for approximately \$10.00 plus the mileage necessarily travelled to effect a service.

Comparison of these figures with the fees allowed in other Courts will be found to be much in favour of the Division Courts of this province.

The result of the speedy realization of claims will also be found to be most favourable to the Division Courts. So that, for cheapness as to costs of the proceedings and quickness of returns under process, these Courts would appear to best serve the public interests to the extent of their jurisdiction.

I have the honour to be,

Your obedient servant,

W. W. ELLIS,
Assistant Inspector of Legal Offices.

Observations, Directions, and Decisions Given by I. A. Humphries, Inspector, in reference to the various Offices

LAND TITLES

RE WIDOW'S ELECTION

The election under section 12 (4) of the widow must be produced to the Master, and that is the evidence the Master should insist upon because the statute distinctly provides the manner in which the election must be executed as to a witness signing, etc.

There should be, of course, in every case evidence that the widow did not elect, and this is usually done by the personal representative when dealing with the land, by producing a proper affidavit that there was no election by the widow.

RE CAUTIONS

In a certain case which was before me, it appears that the deceased had filed a caution against a certain parcel and that he died about two years ago and left surviving him his widow and several children, some of whom were infants.

Letters of administration should be taken out in this case as there must be a personal representative whom you could serve in case of application for the withdrawing of the caution, and as the property is not yet vested in the beneficiaries, undoubtedly there should be a personal representative appointed to deal with the same.

If in this case, however, the three-year period had expired and vesting had taken place and all of the children were adults, then a quit claim deed might be taken from all of the adults to the widow and the registered owner could then transfer to the widow with the quit claim deed attached.

If the same had been vested but some of the children were infants, the Official Guardian would insist upon the appointment of a personal representative.

RE DOWER RIGHTS

Too much care cannot be exercised by Local Masters in connection with the dower rights of a wife.

This is a big question involving careful consideration before arriving at any conclusion as to what Local Masters should do in reference to dower rights, and also involves careful consideration of sections 46 and 47 of The Land Titles Act.

Section 46 of The Land Titles Act gives the right to the Master in all cases where it is claimed that the registered land is free from dower, and evidence to that effect has been produced which appears to be satisfactory to him, to serve a notice upon the wife.

The following are some of the cases that fall within the provisions of this section and which Local Masters should carefully consider, namely, partnership, held as trustee, bought subject to a charge, a charge given before

marriage, wife a lunatic, wife living in adultery, divorce, mining land, wild land, land held with power to appoint.

In all these cases, where there is dealing in land, the Master should insist upon having all necessary evidence produced. E.g., if marriage after a charge there should be evidence produced of the marriage, its date, etc., and also evidence that the charge is still existing, which usually is done by affidavit or declaration of the chargee. In cases of partnership real substantial evidence as to partnership.

When this evidence comes before the Master, while he may conclude under the statement of the law that dower does not attach, he should not at this stage act as a court to determine whether there is a partnership or not, but he should exercise the reserve right which is given to him under section 46, and notify the wife. "Condemn no one unheard," is a good motto to follow, and advantage should be taken of the provisions of this section in all such cases. Hear the parties, have the wife come, review the evidence which should be made of record and if verbal, taken down under oath, and then make a ruling from which an appeal could be taken. This is the safe practice and section 46 was undoubtedly enacted for the express purpose of enabling the Master to notify the wife.

Section 47 was passed after section 46, and came into force for the purpose of protecting the owner of any charges on the land prior to the marriage of the owner and also to protect those charges where the land is bought subject to the charge.

For the guidance of the Local Master in making rulings and decisions after giving notice to the wife, the following statements of law will be found useful.

(1) There is no dower where land is charged prior to purchase, so long as the charge exists the owner can transfer without bar of dower.

In such cases as this, there must be satisfactory evidence produced that the charge is in existence and statement under oath from the chargee proving this, together with all other necessary evidence that the particular case requires.

If, however, the owner in such cases executes a charge, the wife must join.

(2) No dower attached where the owner has charged land and subsequently marries, so long as the original charge is in existence.

There should be strong evidence produced that such original charge does exist and also evidence of the marriage.

(3) Generally there is no dower in partnership lands.

In all such cases there must be absolute and complete proof of partnership. Mere statements are not sufficient, and the wisdom of the Master exercising his right to send a notice to the wife in such cases has been proved on more than one occasion where it has turned out when the wife was served and the parties appeared before the Master that there was question as to whether she had dower or not, and settlements with the wife have been made and the release of dower executed and produced.

(4) Armour on Titles, 210, 1925 ed., says:

"Where a man mortgages his land and then marries, or in any case where he acquires an equitable estate not having been seized of the legal estate during the coverture, in all such cases his wife is not dowable unless he dies beneficially entitled; consequently he can alien such equitable estate without joining his wife in the conveyance."

Gardiner v. Brown, 19 O.R. p. 202 and on, is authority for this statement:

"If a man before marriage mortgages his land, he may after marriage, the mortgage still subsisting, alien without joining his wife. Dower in equitable estates arises and attaches at the time of the husband's death and not before."

Re Croskery, 16 O.R., p. 207, is an interesting case in connection with dower and equitable estates and there is a splendid article in 49 C.L.J., 201.

I do not think Local Masters need to be bothered with the statements of law in such matters until the whole matter comes before them, and then they may make a decision. The following is a summing up of the above:

1. In the cases mentioned herein, have the very best evidence produced that is possible.

2. When this evidence is laid before the Local Master, and even although he feels quite satisfied there is no dower, the safer plan is always to take advantage of the provisions of section 46 and serve the notice on the wife, then no one is condemned unheard and you deal with the matter and make your decision which may be appealed.

No doubt Local Masters will find some very persistent parties anxious to try and get the Master to put the instruments on without any bar of dower, but Local Masters can always answer them and say that while the evidence produced is possibly sufficient, they have the reserve right to give the notice to the wife and to let her come before them and be heard.

RE PRODUCTION OF LETTERS PATENT

Where a company desires to be entered as owner of land, or deals with land, the charter or other instrument conferring authority must be by an exemplification, or a copy thereof certified by the proper officer in that behalf must be produced to the Local Master; and in case the original or exemplification is not to be left in the office, a copy thereof shall be left which shall be compared by the Master. See Rule 66 (3).

It is therefore up to the parties to obtain an exemplification from the Provincial Secretary's Department which obviates the necessity of forwarding original letters patent.

It is the practice, in cases where the value of the property is small, say up to \$400, sometimes to accept a copy certified under the seal of the company and the hands of its officers, but in a great majority of cases the Master should insist on having the exemplification if the original is not forwarded.

RE REGISTRATION OF CAUTION SUPPORTED BY AGREEMENT FROM ADMINISTRATOR

An application was made to a Local Master to register a caution supported by an agreement from the administratrix of the estate of A. B., for selling timber on registered land.

A. B. died in 1922 leaving a widow and children. Letters of administration were taken out but no caution was filed under *The Devolution of Estates Act* and the lands, therefore, became vested. This being the case, any dealing with the land requires the consent of all parties, and if any infants, the approval of the Official Guardian.

Standing timber upon the land, as it now stands, in my opinion is part of the real estate, and if I were Local Master I would refuse to put the caution on or the agreement without the consent of the Official Guardian on behalf of the infants, and also the consent of the adult heirs.

RE ENTRIES OF PATENTS AND REGRANTS OF LAND FORFEITED FOR NON-PAYMENT OF TAXES

1. *Lands which have been forfeited under The Mining Tax Act where new patents have been issued to new parties.*

Cases as above wipe out the whole dealing with the land, which land reverts to the Crown as Crown lands and not by way of a conveyance from the registered owner.

Section 21 (3) of *The Mining Tax Act*, 1927, distinctly states that not only is the land forfeited and vested in the Crown, but the patent or lease is revoked and cancelled and the land is vested, freed from every estate, right, title, interest, claim and demand therein or thereto, whether existing, arising or accruing before or after such forfeiture shall be so declared.

On receipt of such certificate of forfeiture, the same shall be registered, the old parcel closed and an entirely new entry made out for the new patentee.

In such cases where the lands originally were in the Registry Office under section 21 (7) of *The Mining Tax Act*, 1927, the registered abstract should be closed up and the new patent entered in the Land Titles Office under the provisions of section 159 of *The Land Titles Act* like any other newly patented land, without references to the old parcel.

2. Lands regranted as a relief against forfeiture.

Provision is made for such regrants under section 23 of *The Mining Tax Act*, 1927, and it is to be noted that section 7 of chapter 11, 1921 Statutes, has not been repealed by the 1927 Act. This section 7 provides that such grants shall be subject to any lien or encumbrance existing at the time of the forfeiture and shall be so expressed.

In dealing with such regrants where the land is in the Land Titles Office, the old parcel would be continued and the regrant or new patent should be treated in the nature of a transfer by the Crown of its ownership in the parcel. If the land has been registered in the Registry Office the new patent or regrant is entered in the Land Titles Office subject to the existing encumbrances as they appear, giving the patentee or grantee a qualified title. If the applicant wishes the Local Master can proceed to give him an absolute title in the usual way under an application and proof of title, in which case there would have to be an application with proper evidence and publication of notice under Rule 11. No further dealing in the Registry Office.

3. Where an Order-in-Council revokes forfeiture.

Provision is made under section 23(2), 1927 *Mining Tax Act*, whereby an Order-in-Council may revoke forfeiture. Such order shall be entered and registered in the proper Land Titles Office or Registry Office and thereupon such lands shall be revested in the owner of the lands at the time of forfeiture, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. In such cases the entries will be carried on in the Registry Office, or Land Titles, or both, as the case may be.

RE FORM OF ENTRY WHEN TRANSFERRING PARCEL BUT RETAINING LIFE ESTATE THEREIN

Have the transferor transfer the whole parcel to himself for his life and the remainder after his death to the other transferee. This, however, is not absolutely necessary provided that the transfer clearly states what is transferred and the person to whom it is transferred.

Section 8 of *The Land Titles Act* contains, I think, the only reference to the registration of two or three parties as owners with interests which arise in succession or concurrently.

By transfer No.....
registered.....in
consideration of.....
A.B., above named (an unmarried man) or (his wife barring her dower)
transferred the above parcel to the said A.B. and C.D. of the.....
of.....the said A.B. being entitled to an estate for life
therein, and the said C.D. being entitled to the remainder in future,
subject, etc., etc.

CORRECTION OF ERRORS IN PATENTS WHERE LANDS REGISTERED IN A WRONG DISTRICT THROUGH ERROR

The manner of correcting errors in patents after registration is set out in section 120 of *The Land Titles Act*.

What could be done would be to have the Minister direct the cancellation of the patent and have a correct patent issued, sending the direction along with the corrected patent to the Local Master with instructions to cancel the entry made of the incorrect patent, which the Master would do, and the Master would file the direction in his office as evidence of his authority for cancelling the same.

The Master would then call in the certificate of ownership which had been issued for the lands, and cancel it. He would then forward the correct patent to the Master of the District in which the lands really were, and that Master, on receipt of the same, could issue a new certificate of ownership of the lands and at the same time send his receipt for the patent and papers received from the Master in whose office the patent had been wrongly entered.

RE CENTRAL ALGOMA & HUDSON BAY RAILWAY CO.

Some Crown sale patents, where certain lands are granted to the Algoma Central & Hudson Bay Railway Co., contain reference to certain conditions. It would appear in such cases that the title is subject to the conditions set out in sec. 4, 62 Vic., ch. 23.

It appears to me in such cases the titles should be entered as qualified titles, because the pine timber on the lands granted is reserved to the Crown.

If, however, a certificate is received from the Minister of Lands and Forests, stating that the conditions and reservations imposed have been withdrawn, then on receipt of such certificate substitute for a qualified title by striking out in the entry made the provisos and conditions, and also note that the qualifications had been cancelled under certificate No., being the certificate of the Minister, dated and registered.

The copy of the section referred to is as follows:

"(1) All pine timber on lands granted to the said Railways shall be reserved to the Crown and be the property of Her Majesty, who may place the same under timber license and grant to licensees of the Crown the right to enter upon the lands, make roads and do all things necessary to the removal of the said pine timber. No lands granted to the Railways valuable for the pine timber thereon shall be opened for sale or settlement until the assent of the Crown has been obtained.

"(2) Where lands have been duly and legally settled upon, the settlers thereon shall have the right to cut and use such pine timber as they may require for building and fencing on the land on which they are settled, and may also cut and dispose of all pine trees required to be removed in the actual clearing of their land for cultivation, but no pine trees (except for the necessary building and fencing as aforesaid) shall be cut beyond the limit of such actual clearing, and pine trees cut in the process of clearing and disposed of shall be subject to the payment of the same dues as are at the time payable by holders of licenses to cut timber or saw logs.

"(3) The lands granted to the said Railways shall be subject to all the provisions of *The Mines Act*, and to all regulations made or to be made thereunder, saving and excepting parts II and III thereof, and any amendments made thereto, being sections 26 to 58, inclusive."

RE WIFE JOINING TO BAR DOWER IN FORECLOSURES

My attention has been drawn to the fact that there has, apparently, been differences of opinion as to whether a wife joining to bar her dower in a charge should be made a necessary party in a foreclosure action, or not.

Holmested's Notes to the Judicature Act, 1915 ed., p. 1045, states as follows:

"the weight of authority appears to be rather in favour of the view that she is a proper but not a necessary party. The safer practice is to add her as a party, though strictly speaking a married woman having a mere inchoate right of dower in the equity of redemption, has no present right to redeem."

See *re* Robinson 29 O.W.N., page 246, which states that in an application to register a transfer of land free from dower it is necessary to serve notice on the wife. The following rule might be taken as a guide in all cases, "Condemn no one unheard."

Not only does the general rule make it necessary that she should have notice, but *The Land Titles Act* expressly provides for it, (see section 46), and section 47 in no way cuts down the provisions of section 46, but merely provides that under the circumstances set out in it a wife shall have, under *The Land Titles Act*, no higher rights than without it she should have had.

Also see *re* Goodman, 27 O.W.N., page 18, where a foreclosure action had been brought and a final foreclosure order granted, but the wives of the purchasers had not been made parties to the action. The Judge expressed the view that the wives should have been made parties to the action in this case.

Therefore in all future foreclosure matters, in making the registration, the wife should not be barred unless she has been made a party to the action or a proper bar of dower is produced.

RE DOWER

A. owns a lot and charges it to B., who transfers the charge to C.

Before the transfer of the charge by A., A. sells to D. C., who is now the assignee of the charge wants to foreclose and the question arises as to whether the present owner D. is married or not, and whether his wife should be made a party.

My opinion is that the wife of D. would not be a party to the present foreclosure. It is true under the principles of the Act her dower would be attached immediately upon the purchase by her husband, but section 47 states that in the case of a charge like this, the wife has no rights except as she would have if the charge had been registered in the Registry Office under *The Registry Act*. I think this provision applies strictly to the enforcement of a charge that was in existence at the time of the transfer to D., and the only difference of opinion that I know of is whether this provision as to the wife's rights would apply after the charges given by B., while the first charge was in existence.

RE DOWER OF WIFE IN FORECLOSURE MATTERS

The wife should be made a party to foreclosure proceedings, and if not, the notice should be made subject to dower.

I do not think section 46 of the Act will help the foreclosing party, as the Master is not entitled under section 46 to serve a notice unless he is reasonably satisfied that the wife has no claim, and in my view she undoubtedly has a claim which should not be barred without notice in the action to her.

It is too risky for a Master to bar the wife simply on a foreclosure order or under section 46.

The Master could, however, have a notice served and make a ruling against it, and let the chargor appeal. A release of dower would, it appears to me, clear the matter up if it could be obtained.

RE REMOVAL OF CHARGES

The general practice is to remove charges, providing an application is made under section 37 of the Act and the evidence clearly satisfies the mind of the Master that the amount owing has been paid to the proper parties. It is extremely difficult to say what evidence should be received as each Master must be satisfied in his own mind as to the amount being actually paid to some person who is clearly entitled to receive it.

Parties should in all cases produce their evidence before the Master and the Master should not be called upon to express any views until the whole material is before him, and then if he wishes, before making his decision, the same could be referred to the Inspector or the Master of Titles at Toronto.

RE PATENT ISSUED TO EXECUTOR

Where patents are issued to executors or administrators of an estate, they must be treated in the Land Titles offices as transmissions.

If there is a will it must be produced on such dealing with the property, and the Master must be governed by the terms of this will, if there is one, and also by the provisions of *The Devolutions of Estates Act*, as in ordinary transmission applications.

RE PROPER SCALE OF TAXATION ON APPLICATION FOR REMOVAL OF CAUTION

Under Rule 87 a Master upon an application for the removal of a caution may order costs either between party and party, or between solicitor and client.

Under Rule 20, a Master may either fix the amount or may direct taxation of the costs.

Under section 138 of the Act a rule may be made in respect of the costs to be charged by solicitors in Land Titles matters, but it appears that no rules have been made except as to the fees to be paid to the Master.

Section 139 states that fees payable in respect of such business are analogous to business under *The Registry Act*, and the fees shall be same as fees payable to the Registrar under that Act, and all other fees and costs, whether in respect of business done by the Master of Titles or other officers or solicitors under the Act shall be the same or as nearly as may be as are payable in like proceedings in the Supreme Court.

A Master is quite within the rules if he directs that the costs be paid after taxation by the proper taxing officer. When proceeded with, the taxing officer would determine the costs to be taxed and if there is any objection an appeal could be taken from his order.

In my view the Master under *The Land Titles Act* is not a court but is a judicial officer of the court, and proceedings to withdraw cautions are not proceedings in the nature of a caution, but are, possibly, more in the nature of a reference as to the rights of registration or cancellation of entries on the register.

RE FILING OF CAUTIONS

Local Masters of Titles should insist upon evidence being produced before them before entering a caution, showing that there is a *prima facie* case made out as to some enforceable right which the party had against the registered owner of the lands or a *prima facie* and enforceable agreement for sale of land.

There should, undoubtedly, be some tangible evidence that the party so applying has a *prima facie* interest in the land. This evidence, I think, should be in writing and should be filed upon application.

While it is not the duty of the Master to determine the legality of the right of the party, yet he must have some evidence and should be careful not to raise a cloud upon the title of the registered owner unless the cautioner makes a *prima facie* case against the registered owner.

FEES FOR REGISTRATION AND ENTRIES TRANSFERS TRANSFERRING INTERESTS TO DIFFERENT PARTIES

A.B. the registered owner of parcels 1, 2 and 3, and C.D. registered owner of parcel 4, join in one transfer, A.B. transferring certain specified shares to eight transferees, and C.D. transferring similar specified interests or shares in his parcel to eight different transferees. Such a case resolves itself into two transfers, one by A.B. of 3 parcels to eight transferees, and the other by C.D. of one parcel to the same eight transferees.

If these transferees had taken as holders of unascertained shares there would be no question but that each of the documents would have been a simple transfer to the eight transferees who would have been entered as owners of each parcel, and the fact that they have chosen to define their shares makes no difference whatever, the entry simply being made that these eight persons are entered as owners of the parcels, one being entitled to a $4 \frac{1}{18}$ share, another to a $2 \frac{1}{18}$ share, etc. I do not think these ascertained or defined shares on the register should be separated and dealt with as separate pieces of land, as this is not according to the Act which declares that all owners of any parcel of land must be named in each statement of the ownership.

It is quite true that each one of these parties under section 8 (3) can get a certificate of his specified ascertained share provided there is no certificate of the whole parcel outstanding, but this does not mean that the ownership of these fractional shares in the parcel are to be separated in the Register from one another.

WHERE GUARDIAN APPOINTED OF INFANTS RESIDING OUT OF ONTARIO

Where an owner of property dies intestate and the widow is appointed administratrix, and amongst the heirs are children of a deceased sister who are infants residing out of Ontario and whose father has been appointed guardian by a court out of Ontario, the proper procedure to follow in any dealing with the land would be to have the Official Guardian concur at any sale made provided of course that the administratrix is not selling for the purpose of paying debts.

See section 19 of *The Devolution of Estates Act*: "Where an infant has an interest in real property which but for this Act would not devolve on the personal representative, no sale or conveyance shall be valid under this Act without the written approval of the Official Guardian appointed under *The Judicature Act* or in the absence of such consent or approval, without an order of Judge of the Supreme Court."

ENTRY OF VESTING ORDERS MADE BY MINING COURT JUDGE RE MINING LOCATION

The Judge of the Mining Court has power to make a vesting order (see *The Mining Courts Act*) when locations have been annulled by cancellation and interests merged or revested.

These orders usually vest the interest of certain parties and other parties, and when received should be filed and proper entries made in the books containing a reference as to the vesting order vesting the property.

Such vesting orders do not wipe out any cautions that may be registered against the land unless the cautioners have been made parties in the office of the Judge of the Mining Court and are made parties to the order.

Section 73 (4) of *The Land Titles Act* distinctly states that cautioners should be made parties to the order before they can be barred by the vesting order.

In the absence of the written consent withdrawing the caution, and in the absence of the same being made parties, the entry will have to be made subject to the rights of the cautioners.

RE SURRENDER OF LEASE WHEN COURT ORDER IS ON REGISTER

So long as there is a court certificate in force, a Local Master should not interfere with the entry of the leasehold whether a surrender or any other transfer is tendered for registration.

I do not think it right to enter any surrender of lease upon a parcel which would entirely nullify any action that was proceeding in the courts.

Local Masters should return the surrender of lease with a statement that there is a court certificate registered upon a mechanic's lien and that so long as this is in existence it will be impossible to register the surrender of the lease.

I see no right nor authority allowing the Local Master to enter a mechanic's lien or court certificate upon the new leasehold property granted, as the new leasehold is an entirely distinct transaction and a new interest in the land is created upon which neither the mechanic's lien nor the court certificate has any effect.

The surrender of the old lease or the entry of the new lease, therefore, should not be made until the mechanic's lien is cleared up.

RE RIGHTS OF COMPANY DEALING IN LAND

The restrictions on companies formed under *The Ontario Companies Act* as to dealing with land, either by purchase or by mortgage, is contained in sections 3 and 4 of *The Mortmain Act*, R.S.O. 1914, chapter 103.

These sections prevent any company, whether formed in Ontario or not from holding land in the Province otherwise than under the authority of a license or a statute for the time being in force. The license or statute which enables companies formed under the O.C.A. is contained in sections 23, 24 and 26.

Section 24 depends upon the purpose for which the company was formed as to how far it is allowed to acquire and hold real estate. If it is a company formed for dealing in real estate, the interpretation of section 24 (1-b) would be much wider than if the company had been formed for some other purpose.

Most of the dealings now in common use are with trading corporations, that is, companies that are run for the purpose of profit, and I think it is reasonable to conclude that such trading companies are in the ordinary course of their business compelled to take security for a debt which they had expected would be paid for in cash. If, therefore, a trading company brings in a charge and states under affidavit that the same is taken to secure a debt which has been incurred to them in the ordinary course of their business, it should be accepted. Section 26 goes far to support this position.

RE SALE OF STANDING TIMBER—ASSURANCE FEES

A caution may be registered or an agreement for the sale of standing timber may be entered. Assurance fees are only paid upon first registration, or made a charge upon the land.

In many cases such timber agreements or cautions are the only entries made, and the value of the property is computed but the Assurance Fees never paid. Provision is made for such cases by chapter 28, 1918 Ontario Statutes, section 8 amending section 123.

I think it advisable for Local Masters, in cases where the value of the land is being diminished by the removal of timber or minerals, to notify the Inspector in order that the Attorney-General may be properly notified and that some action might be taken, if he sees fit, under the amendment of 1918.

RE SALE UNDER POWER AND CHARGE TO WIFE OF A CHARGEЕ

If everything were proved correctly as per my Report of 1925, page 71, it might be that this could be put on, but I think that any man who wished to avoid suspicion would not sell the property under a power, as in a charge, to his wife. Such a transaction might be a legitimate one. The wife might be dealing at arm's length with her husband, but it might be merely a form to cover up a pretended sale.

The Local Master should require affidavits from both the man and his wife, that such sale was strictly a business transaction and bona fides, and extra good evidence as to the value of the property in addition to the other proper evidence as set out in my report.

RE NOTICE TO CAUTIONERS

1. Where possible, require personal service of a notice of the removal of a caution, or *acceptance* on behalf of the cautioner by some solicitor of standing.

2. If, for any reason, this is impossible or practically so, the notice is allowed to be served upon a grown up person at the address given for service in the caution, and generally fortify this by sending a copy of the notice by registered mail to the post office address as set out in paragraph 3 (below).

3. If neither of these methods of service seems practical to the Master—which in the district must often be the case owing to distance and other conditions—he should direct service by mail (see Rule 73), and in my opinion the direction should be set out in the notice to be served by adding some words such as “and I hereby direct that service of this notice by enclosing it in a prepaid

registered letter addressed to the cautioner (giving his address as set out in the caution, or as afterwards changed by him) shall be deemed good and sufficient service of such notice."

As to the proper address, it would be well to look at *Myers v. Cochrane*, 28 O.W.N. 165, and *Gast and Nicoll*, 27 O.L.R. 516, which deal with a somewhat similar matter.

4. This notice, if not returned, shall be deemed to have been received by the person addressed within seven days after the usual course of post. This is, that he shall be deemed to have been *served* on the expiration of the seven days and the additional time required for the usual course of post. It is from that date that the length of his notice is counted.

From this, as you will see, in serving by mail it is much better to give a *fixed date* for showing the cause instead of so many days after service. This date should give at least the seven or fourteen days (vide Rule 1) as the case may be, for showing the cause, this time to be counted from the date he has been presumed to have been served. Vide section 112 (3) and Rule 72 (4 and 5).

5. If the notice is returned by the postal authorities, the Master knows that the cautioner has not been served and it is in this case that he acts under section 112 (5) as prescribed by Rule 71 (6). The practice in the Master's office is then to communicate, if possible, with the solicitor or other person who acted for the cautioner at the time of registration. If this fails to put the Master in touch with the cautioner, the Master can then act as he thinks fit.

(a) If the application is one under Rule 24 (3 and 4) where the owner is not dealing with the property, but merely wishes to clear off the caution, allowing the owner to take proceedings in court to get rid of it.

(b) If the application is one by the registered owner to register some dealing with the land, either with or without the fying of a reasonable indemnity bond, by the applicant, the Local Master should act as he thinks best.

IMPLIED POWERS IN WILLS

Great care should be taken in examining wills as to powers given to executors to sell where executors present for registration transfers and dealings with property of a deceased after three years from the death of the testatrix and where no caution has been filed.

While there may not be a distinct and clear cut power to sell given the executors, yet in many cases there is an implied power and I think in such cases it is desirable for the Local Master, where he is not just sure, to refer the matter to the Inspector or Master at Toronto.

The question that sometimes arises is whether the land is vested in the executors for the purposes of selling, irrespective of the provisions of *The Devolution of Estates Act*, even although more than three years have elapsed since the death of the testator and no caution has been filed.

It may be contended that the lands are vested in the devisees and not in the executors, and there is no power of sale or implied power of sale. If there is express authority given to sell, or implied power, which of course depends upon each particular will, the right of the executors to sell the real estate would not be affected by the provisions of *The Devolution of Estates Act*, but on the contrary independently of that Act the executors upon the true construction of the will are given power to sell.

In all such cases too much care cannot be taken in examining the will in order to find out the true construction thereof, and in case of any doubt, always make a reference.

The leading cases on the subject of implied powers to sell are as follows:

- (1) Roberts v. Brooks, 10 O.L.R., p. 395—1905.
- (2) Perry v. Fife, 28 O.W.N., p. 255—May, 1905.
- (3) May v. Drury, 28 O.W.N., p. 318—June, 1925.

RE SIGNATURES TO CAUTIONS

What should be done where a caution has been received and has been signed by an applicant through her solicitors?

Rule 23 provides that every caution lodged under section 72 of the Act (Form 19) shall be signed by the cautioner or his solicitor, or by his agent duly authorized in writing . . . and shall contain a place of address in the Province at which any notice may be served. . . .

The application must be supported also by an affidavit, and the affidavit shall contain a reference to the land to which the caution applies and also the address of the cautioner interested in such land or charge.

In all such cases where cautions are signed by a firm of solicitors for the applicant, Local Masters of Titles should carefully examine the affidavit attached in support thereto, and I set out herewith some points for guidance in reference to such matters:

1. The firm name of the solicitors must be signed and written in ink on the application and their address for service in the Province should be stated.

2. It is best to have the firm name signed perA.B., member of the firm.

3. The affidavit in support of such application should be made by a member of the firm of solicitors who signed the application as solicitors for the applicant.

4. Such affidavit should state that the party making it is a member of the firm and also a reference to the land and address of the cautioners interested containing sufficient evidence to make out a *prima facie* right to warrant the Local Master filing the caution.

5. If the application is written in ink in the firm name and not "per A.B., a member," as in this particular case, the affidavit made by the solicitor should be carefully examined to see that he is a member of the firm, also the handwriting of the solicitor who signs the affidavit should be compared with the handwriting of the firm as it appears on the application. It happens in many cases that the Local Master can satisfy himself that the handwriting is the same.

6. Even although the Local Master upon examination is not satisfied that the writing of the firm name is the same as the solicitor's who signed the affidavit, yet by reason of the fact that the affidavit has been made by a member of the firm it can be assumed that the firm cannot very well say that it is not their application.

The whole question is, of course, one for a Local Master to determine.

Later when an application is made to remove such cautions, the Local Master should be particular to see that there is furnished evidence as to the solicitors being solicitors at the time of the filing and that they are still the solicitors for the party, or such other evidence as in his discretion he deems necessary.

TRANSFER WHERE WIFE JOINING TO BAR DOWER IS UNDER THE AGE OF TWENTY-ONE YEARS

I would say put such transfers on and accept the same, even although the question is one that is not entirely free from doubt.

RE DISCHARGE OF BANKRUPTCY

There is no provision anywhere for registration of a discharge in bankruptcy.

If the parties are dealing with the land and executed a transfer or otherwise, the discharge could be attached to the transfer as it comes in and the property then dealt with.

RE PROCEDURE ON RECEIPT OF PLANS AND DESCRIPTION OF LAND ACQUIRED UNDER POWER COMMISSION ACT

Where the land is partly in the Land Titles Office and partly in the Registry Office, the procedure would be as follows:

1. There should be produced the Order in Council authorizing the acquiring of such lands under *The Power Commission Act*. See section 21, 1927 Act.

2. Have a plan and proper description for the lands in the Land Titles Office.

3. This plan and description affecting land in the Land Titles Office when received will be entered in the receiving book and given a receiving number.

4. Make an entry upon each of the lots that a plan has been deposited and filed with a description defining the land affected.

5. Make a note in red ink in the plan index, that such a plan has been deposited defining the lands taken.

The fee for this would be \$5 which would cover all entries up to twenty lots, and then 10 cents per lot in excess.

In the Registry Office.

1. You should have a copy of the plan and the description for the Registry Office.

2. Give the plan a miscellaneous number, endorsing thereon the date of receiving, etc.

3. Make a note on the abstract index of each lot affected as to lands mentioned, etc.

4. Make a note in the plan index of the deposit of such plan, defining the land taken.

A Registrar would be entitled to another fee of \$5 for depositing the land and the entries as above stated.

I think the officer should be careful to see that he has a certified copy of the Order in Council because section 21 of *The Power Commission Act* distinctly states that the Lieutenant-Governor in Council upon recommendation of the Commission may authorize, etc.

RE POWER TO SELL

The case of Uren, 40 O.L.R., p. 356, is the authority for the following:

The right to sell on three months' default without notice as stipulated in the mortgage was not lost by notice being given to some of those entitled to notice under an earlier provision in the mortgage by which power of sale might be exercised after default for two months on ten days' notice.

In such cases there is a power of sale and it might be exercised upon the happening of either of two conditions precedent; (a) two months' default and notice, (b) three months' default without notice. Of course, in all cases where sale is made without notice, care must be taken to see that proper evidence is produced (see my Report, 1925) and particularly it should be shown that

the sale was made in good faith and without collusion and that the inadequacy in price was not so great as to lead to presumption of fraud or negligence on the part of the mortgagee when discharging his duty in the exercising of the power.

WHEN WIFE OF MORTGAGOR RECEIVES NOTICE OF SALE

Local Masters are to see that the wife of a mortgagor has received proper notice of sale if she is required by the mortgagor charged to receive such notice.

The terms of the charge should be carefully examined to see whether such notice should be given or not. It often happens that in several of the charges and mortgages given there is provision for sale without notice and if sufficient evidence is produced to the satisfaction of the Local Master that there is sufficient default for sale without notice, giving the full facts, then it would seem that a Local Master could accept the papers and put on the transfer under the power of sale.

If, of course, the facts did not warrant power of sale without notice or there is no provision for the same, then the wife would have to be served.

AMENDMENTS TO LAND TITLES ACT AND OTHER ACTS AFFECTING LAND TITLES, 1927

Before publication of this Report the 1927 amendments have come into effect and those affecting Local Masters of Titles and which should be examined by them are as follows:

1. *Surveys Act*, chapter 54.
2. *Devolution of Estates Act*, chapter 35.
3. *Hospitals for Insane Act*, chapter 96, dealing with public trustees' rights to sell, lease, etc.
4. *Mortmain and Charitable Uses Act*, chapter 28, section 7, dealing with the vesting of land in the public trustee when not sold within the required time.
5. *Short Forms of Mortgages Act*, chapter 28, section 11.
6. *Notaries Act*, chapter 28, section 16, dealing with power of notary to take affidavits.
7. *Married Women's Property Act*, chapter 28, section 36.
8. *Partition Act*, chapter 28, section 8.
9. *Temiskaming and Northern Ontario Act*, chapter 16, sections 16, 19, 23, 24, 25, and 26.
10. *Mining Tax Act*, chapter 9, sections 21, 22, 23, 24, etc., dealing with forfeitures for non-payment. It is to be noted that section 7 of *The Mining Tax Amendment Act*, 1921, chapter 11, has not been repealed.
11. *Land Titles Act*, chapter 39.

EFFECT OF AN EXECUTION LODGED AFTER SALE MADE WITHOUT NOTICE UNDER A CHARGE

I think the status of an execution creditor, where there is a prior charge upon the land, is that only of a subsequent encumbrancer who is bound by the terms of the agreement made between the chargor and the chargee as to any notice that is to be given in case of a sale being made under the charge.

If there is a clear provision made in the charge that the chargee may sell without notice to the chargor or his assigns, there does not seem to be any

doubt that a title could be made by a transfer under the charge which would cut out any execution that came in subsequent to the making of the charge.

In all such cases, however, the Master must be quite sure that the case is clear as to default and I think that the duty of the Master in cases of this kind, if he has any doubt whatever, is to have a notice served upon the execution creditor who has had no notice at all, and even if he has no right to prevent the sale being made, at least he should be entitled to enquire what was done with the proceeds of the sale, and I think notice should be served upon him not only under Rule 52, but also under section 63 of the Act which deals specially with writs.

If such a notice is served, then under section 127(b), the claimant is debarred from making any claim for compensation out of the Assurance Fund.

The difficulty, it would appear, with several Local Masters is that they might have the idea that they ought to be able to tell at once whether an execution creditor is to be barred, without any investigation.

Whether an execution creditor or any other encumbrancer is cut out by the exercising of a power of sale is always a question of fact, not of law; e.g., if the claim is prior to the charge he is not cut out, or if he is entitled to notice and does not get it, he is not cut out, or if he could show that sale under the power was affected by collusion with the owner and the chargee in order to cut him out of his execution he is not cut out, and also the value of the equity of redemption should always be taken into consideration and of course, if this is trifling, there may not be any use in going to the extra expense.

It would appear to me that if a Local Master is quite certain that the execution was subsequent to the charge, that the chargee had a right to sell without any notice at all, that such default had taken place before sale and entitled him to so sell, that he was getting a fair price for the property and that the whole transaction was bona fides and the proper proof and affidavits were furnished in accordance with the memo., which I sent to the Local Masters in connection with "Sale Proceedings under Charges without Notice," were in order—then perhaps a Local Master might let it go without having the notice served, but it is always difficult for a Local Master to be absolutely sure of all these points unless the party whose rights are being cut out has had some notice of what is being done.

If a Local Master, therefore, has any doubt whatever in connection with any such matters, he should insist upon a notice of the application being served the subsequent execution creditor or any other parties that he might think, in his opinion, should be served.

RIGHT OF DEVISEE TO BE ENTERED WHEN PROPERTY VESTED WHERE PROBATE OF WILL NOT TAKEN OUT IN ONTARIO

The question often arises as to what right a devisee of land, after the expiration of three years, has to be entered in the Register as owner where the will under which he claims has not admitted to probate in Ontario. This whole question is fully dealt with in the case of *re Gund*, 53 O.L.R., 371.

It is briefly stated therein that this is a matter coming under the provisions of Rule 40 (2), and in such cases the Master is well advised if he requires that before registration is made, the will shall be proved in the proper Surrogate Court.

It is also stated therein that it may be well that where the will has been proved abroad and the property in this Province is of small value, the Master

may be fully justified in accepting the foreign probate, but in the majority of instances he should require probate here.

The matter is one which rests in the sound discretion of the Master and is not one of the matters which should be reviewed on appeal. The difficulty to be overcome is as to whether the will has been duly proved in accordance with the laws of Ontario, and that it is the last will and also as to whether the same has been executed in manner and form sufficient to pass real estate in Ontario.

This last paragraph is my comment.

TRANSMISSIONS, ETC., UNDER FOREIGN PROBATES AND GRANTS

Local Masters are advised to read the report of Mr. Justice Middleton *re* Gund, 53 O.L.R., page 371.

LOCAL MASTERS OF TITLES—REPORTED CASES OF INTEREST

(a) *Re* Implied Powers of Executors to sell. The distinction between direction to sell and discretion. *Roberts v. Brooks*, 10 O.L.R., 395; *Perry v. Fife*, 28 O.W.N., 253; and *May v. Drurie*, 28 O.W.N., 368.

In dealing with such matters, each case must depend upon the particular terms of each particular will that is produced, and should be carefully examined and scrutinized to ascertain whether the executors named therein have a right to sell either by direction or discretion, and if there is any doubt the matter always be referred to the Inspector or Master of Titles at Toronto.

(b) Notice of Power of Sale served to wife of mortgagor. *Girodat v. Curry*, 38 O.L.R., 350; *Hoehn v. Marshall*, 44 O.L.R., 241; *Martin v. Meredith*, 3 O.L.R., 284; *Uren v. Confederation Life*, 40 O.L.R., 536; *British v. Ray*, 16 O.L.R., 15.

(c) The effect of the absence of the mortgagee's signature to notice of exercising power of sale. This question is fully dealt with in the case of *Ansel v. Bradley*, 37 O.L.R., page 142.

Middleton J., in giving judgment in this case states that he prefers the clear cut decision taken in New York, where it was held in *Demelt v. Leonard* 1860, 19 H.O.W., P.R., page 182, that an unsigned notice served was a memo. only, and was a nullity when it was sought to be viewed as a notice. All this, of course, subject to the qualifications based upon the familiar cases under the statute of frauds, that a signature may be found in the body of the document as well as at its foot, and to the further qualification established in the *Queen v. Judges, of Kent*, 1873, L.R., 8 Q.B., page 305, that a signature by an agent is sufficient.

RE SEED GRAIN LIENS AND AGRICULTURAL IMPLEMENTS LIENS

Is a lien for agricultural implements under the provisions of *The Northern Development Act* for the Province of Ontario a first charge upon the land, as is a lien for seed grain?

1. *Act of 1915, chapter 6.*

This Act is limited, apparently, in its operation to loans for seed grain or other seeds. (Section 3.)

Provision is made in this Act for recording the lien in the Registry and Land Titles Offices by the giving of a notice (section 4). Provision is also

made as to the contents of the notice and where the same is to be registered in the case of both patented and unpatented lands, and provides in both such cases that upon registration a first lien and charge upon the land described therein is constituted.

N.B.—Sections 3 and 4 of this Act are now repealed by chapter 10, 1926 Statutes.

2. *The Act of 1916, chapter 11.*

This Act empowers the Lieut.-Governor-in-Council from time to time to set apart sums of money for the purpose of making loans and advances to settlers (section 2). The amount of the loan subject to the regulations is limited to \$500 (section 4).

Provision is made for the recording of the lien (section 5) and also what the notice is to contain and where the same is to be recorded, and upon registration that the notice shall constitute a first lien or charge upon the unpatented lands, subject to payments due as therein set out; and in case of patented lands, constitutes a lien or charge upon such lands having priority subject to section 7, according to the general law of Ontario (section 6).

This Act also provides that this Act shall be read with and as part of *The Northern and Northwestern Ontario Development Acts, 1912 and 1915* (section 14).

N.B.—This Act is now repealed except sections 15 and 16, by chapter 10, 1926 Statutes.

3. *The Act of 1917, chapter 13.*

This is *The Returned Soldiers and Sailors Land Settlement Act*, and provides for making advances as provided by *The Ontario Development Act* or otherwise, and for the supplying of necessary machinery, stock, tools, implements, etc.

It is provided also that this Act shall be read with and as part of *The Northern and Northwestern Ontario Development Acts* (section 2).

N.B.—This Act is still in force.

4. *Act of 1918, chapter 8.*

This statute authorizes the Lieut.-Governor-in-Council to raise additional sums of money in addition to the amount provided for by the Act of 1912, and provides that the proceeds of the loan authorized and any payment remaining unexpended and the proceeds of any loan made under the Acts of 1912 shall be applied for the purposes set out in the Acts of 1912, 1915, 1916 and 1917, *The Returned Soldiers and Sailors Land Settlement Acts*, and for the purposes as set out in this Act (section 2).

This Act gives authority for loans for purchasing seed grain, seed potatoes, agricultural implements, etc.

Provision is also made in this Act for the payment out of The Consolidated Revenue Fund such sums of money as the Lieut.-Governor-in-Council from time to time deems necessary for the purposes of this Act, as set out in sections 2 (section 6).

It is also provided by this Act, that this Act shall be read with the Acts referred to in section 2 (section 10). Amongst the Acts referred to in the section is the Act of 1915. Section 9 of this Act also provides that every loan made under this Act or the Acts mentioned in section 2, which includes the Act of 1915, shall be subject to the regulations as to the terms of payment, security, inspection, etc., and the forms of notice or other documents required or as may be prescribed by the Lieut.-Governor-in-Council.

N.B.—Sections 7, 8, 9 and 10 of this Act repealed by chapter 10, 1926 Statutes.

5. *Act of 1921, chapter 18.*

This Act authorizes a further loan and also provides that every loan made under the authority of this Act or Acts mentioned in section 2, which includes the Acts of 1915-16-17-18 and 1919, shall be subject to the regulations as to terms of repayment, etc., and the forms of notice or other documents required (section 7).

This Act shall be read with the Acts referred to in section 2 (section 8). Amongst the Acts referred to in section 2, is the Act of 1915.

N.B.—This Act has not been repealed.

6. *Act of 1923, chapter 8.*

This Act is similar in its provisions to the Act of 1921.

Section 9 provides that this Act shall be read as one with the Acts referred to in section 2. The Acts referred to in section 2 include the Acts of 1915 and 1916 and 1918, and all other Acts.

N.B.—This Act is still in force with the exception of section 8 which was repealed by chapter 10, 1926 Statutes, and which sections deal with the rights of the lien holder being the same as a mortgage.

7. *Act of 1926, chapter 10.*

This is more or less of a consolidation and provides expressly for liens and sets out the priority (section 23).

From a brief review of these different Acts, it will be noted that in all of them it is expressly stated that the Act is to be read with the prior Acts, and undoubtedly, therefore, the reasonable conclusion to arrive at would be that it was the intention of the Legislature to have all these Acts read together, and the provisions of the same to be applicable to them all.

E.G.—1916 Act states: "To be read with and as part of the N. & N.W.O.D.A. of 1912 and 1915."

1917 Returned Soldiers and Sailors L.S.A.: "This Act shall be read with and as part of the N. & N.W.O.D.A."

1918 (where agricultural implements are first mentioned): "This Act shall be read with the Acts referred to in section 2." The Acts referred to in section 2 include the Act of 1915.

1921: "This Act shall be read with the Acts referred to in section 2." The Acts referred to are all Acts prior, and including 1915 Act.

1923: "This Act shall be read as one with the Acts referred to in section 2." Including 1915 Act.

My opinion is, that any loans made under the 1918 Act, whether for seed grain or agricultural implements become subject to the provisions of the 1915 Act, and the provisions of that Act are applicable, including the provisions made therein for liens for seed grain, and that they apply in the case of agricultural implements; and therefore under the present condition of the law and the statutes prior to the 1926 Act, no Local Master would be justified in not recording a notice of a lien under any of these Acts as provided for in the 1915 Act.

RE BANKRUPTCY

The rules under *The Land Titles Act* relating to bankruptcy are 99(a), 100 and 101.

PRACTICE TO FOLLOW

1. Take from the *Canada Gazette* each week a careful and accurate list of all insolvents in the Province of Ontario, and enter the names in the alphabetical index of all bankrupts and authorized assignors.

2. When a receiving order, authorized assignment (or true copy certified as to such order by the Registrar or other clerical officer of the court which has made it, and as to such assignment, certified by the Official Receiver therein named) is brought in for registration, it should be accompanied by an affidavit giving a clear description of the land, the title to which is affected by such receiving order or authorized assignment showing how it is so affected. Section 11(11) of *The Bankruptcy Act*.

3. There must also be evidence proving that the trustee has been properly appointed at a meeting of the creditors. Section 15(1).

In the case of an authorized assignment, proof of this is made by the Official Receiver certifying thereon the name of such trustee, section 9(5), such assignment shall thereupon, subject to the rights of secured creditors, vest as of the date of the acceptance and filing of the same, in the trustees, all the property of the debtor.

This section does not extend to receiving orders and the proof of the appointment of the trustee can be obtained in two ways: (1) By having a copy of the minute of the proceedings appointing the trustee, signed by a person describing himself as chairman of the meeting at which the minute is signed, section 77(1); and (2), production of a copy of the *Gazette* notice, see section 77(3), which states that a copy of the *Canada Gazette* containing any notice inserted therein in pursuance of the Act shall be evidence of the facts stated in the notice.

4. On receipt of the receiving order or authorized assignment so certified as above, the Local Master makes the following entries:

(a) The same is entered in full with all affidavits and certificates in the book provided for that purpose.

(b) The following entries are made against the lands:

Under authorized assignment No.....made by.....
to.....under *The Bankruptcy Act*, the title of the above
.....is said to be affected.

—or—

Under receiving order No.....dated.....
registered.....made by.....
the title of the above.....is said to be affected.

5. When this registration is made do not attempt to deal with the land while it is in the jurisdiction of the Bankruptcy Court. The dealings with the property by the Bankruptcy Court may be (1) the reversion of the land to the owner, or (2) vesting of the land in some person who has a charge or other security against it, or (3) the land may be sold to some stranger.

Dealings are preceded by certain acts of the inspectors (see section 20), and the bankrupt, and therefore the Court in Bankruptcy should make a final order stating just who is entitled to the bankrupt's interest in the lands, accompanying it either by a vesting order or by a declaration that the authorized trustee make a conveyance to some named person, thus approving of any transfers made by the trustee.

6. The consent of the inspectors, in writing, is required to all transfers and dealings made (section 20) and such vesting orders sometimes contain a statement that the transfer is made with the consent in writing of the inspectors. If not, and a transfer comes in approved by the order of the Bankruptcy Court, see that the inspector's consent in writing is attached thereto.

7. Vesting orders will be dealt with in the manner set out in section 69(6) of *The Land Titles Act*.

The Master must have due proof of the order and care must be taken to see that the entry made does not assume to deal with interests or property belonging to persons who are not bound by it.

8. The dower of the wife must be carefully preserved, and is not affected by the assignment, and unless she joins or a proper bar is produced, any entry should be made subject to dower.

9. Where a name appears in the index of bankrupts, which is identical with or similar to a name appearing on the register, but the registered owner claims he is not the bankrupt, then, if the registered owner clearly satisfies the Master that he is not such bankrupt, it is the duty of the Master to deal with his land as though there were no such entry in the bankruptcy index, and he must determine as a Judge whether the registered owner is such bankrupt or not.

10. Vesting orders under section 46(6) should be carefully examined to see whether such order specifically recites the fact that the trustee had been served and had failed to redeem, and also that he had been served with notice of motion made.

If this is not set out in the vesting order, then the Master would be justified in asking for evidence or assurance that such persons had actually been served with notice of motion and with the notice required by section 46(6), because under section 69(6) of *The Land Titles Act* it is stated that where under an order of the Court any freehold or leasehold land or charge is vested in any person, the Master shall on due proof of the order make entries as are necessary to give effect thereto; but if any person whose estate is affected by the order is not shown by the order to be a party to the cause or matter in which the matter was made, then the applicant should furnish such evidence as is requisite to show that he is bound thereby.

Such vesting orders should bear the seal of the Court and usually there is presented the certificate of the order under the hand of the proper court officer with the seal, together with the original.

It is thought that the consent of the inspectors to such vesting orders made under section 46(6) of *The Bankruptcy Act* might be dispensed with.

REGISTRARS OF DEEDS

RE REGISTRATION HYDRO AGREEMENT ACT, 1925

Copies evidenced by a solicitor's declaration of any Act or agreement referred to with a schedule of lands should not be refused.

Section 5 of *The Power Commission and Companies Transfer Act* simply states that a copy of the Act and a copy of the Act of 1924 should be deposited, etc. It does not say a true copy or a verified copy, in fact, is silent as to what sort of copy should be presented, and therefore in the absence of any definite meaning given to the word copy it would seem to me that a verified copy, if verified by the declaration of the solicitor, would be sufficient. If necessary, the original statute could be produced and a comparison made.

All the instruments presented may be registered under one number as the intention of the section, as I read it, is that the copies of the Act and the contract referred to therein be registered together, the words used being, "along with it," which would appear to me to mean that it is intended that all should be treated as one registration.

These instruments would be entered in the general register and the statute and agreement copied therein, and a note would be made upon each of the abstract indexes of the different lots affected.

This Act, being silent as to fees, the fees as set out in section 92 of *The Registry Act* would be proper.

RE THE MANNER OF FILING PLANS DEFINING BOUNDARIES UNDER SECTION 18 OF THE SURVEYS ACT

1. *As to Deposit in Land Titles Office.*

Give the plan and field notes and confirmation of the Minister one number, namely, a receiving number.

Make an entry upon each of the lots affected in red ink to the effect that a resurvey plan is filed, defining the boundaries under the provisions of section 18 of *The Surveys Act*. This will give proper notice to any parties searching the Registers.

Also make a note in red ink in the Plan Indexes that you have, opposite the original plan, that a resurvey had been made defining the boundaries.

The fee I would fix for such matters would be \$5 to cover all entries up to twenty lots, and 10 cents per lot in excess.

2. *Deposit in the Registry Office.*

Copy of the plan and also the field notes should be deposited in the Registry Office.

Give such plan a miscellaneous number and make a note of the date of receipt, etc., on the same.

Make a note on the abstract index of each lot affected similar to the notes made in the register in the Land Titles Office.

Also make a note in red ink in the plan index where the original has been filed.

The fee is the same as above.

CONSENT OF INSPECTORS ESSENTIAL TO TRANSFERS

It is necessary that the inspectors sign their names in approval to any deeds or transfers executed by a trustee in bankruptcy. It is not necessary that there be an affidavit of witness to their signatures, as they are not really parties to the deed.

If, of course, the inspectors are made parties to the instrument and sign as parties beside seals it is a very different matter, and the provisions of *The Registry Act* must be complied with as there should be an affidavit of execution of all parties to the instrument.

Usually the inspectors simply sign their names in approval in the margin in a similar manner to the Official Guardian approving on behalf of infants.

In abstracting such instruments, the registrar should make a note that the approval of the inspectors has been endorsed on the instrument.

RE CORRECTION OF ERRORS IN DESCRIPTION IN AN INSTRUMENT

No alteration can be made in any instrument that has been registered. See section 80 of *The Registry Act*. Errors, however, may be corrected by the Registrar under the provisions of section 79.

Where in a foreclosure order, which has been registered, it is found after registration that there has been an error in the description of lands contained

in the certificate upon which the order is registered, it is the order itself that is registered and under the provisions of section 43 it is registered and a certificate endorsed upon it, which sets forth the substance and effect of the judgment or order and description of the land affected.

Such an order of foreclosure, therefore, would be registered upon this certificate and the certificate produced is in error. Such certificate is wrong and registers nothing, but rather puts a cloud upon a title and such certificate does not set forth the substance and effect of the order or judgment.

A court issuing the certificate has not done what it should have done as the certificate is not proper, and I think in such cases a new certificate should be issued setting forth the correct substance and effect of the judgment or order with a proper description of the lands which, when received, the Registrar would make a note in red ink where the other certificate had been recorded to the effect that it was in error.

REGISTRATION OF ORDERS APPOINTING COMMITTEES

Such orders are not registered in the general register upon the deposit of an office copy. The judgment or order may be registered on a certificate under section 42 of *The Registry Act*, and if the certificate does not set out the land affected, then a statutory declaration must be attached. See section 34.

When registration is affected this way the certificate is copied by the Registrar into the proper book and an endorsement of registration is placed on the original order that is returned to the party registering.

RE FEES FOR DEPOSITING RAILWAY PLANS

Section 160(2) of *The Railway Act*, Statutes of Canada, chapter 37, provides that the company shall deposit copies of the plan as related to each district or county through which the railway is to pass, which copies are to be duly certified by the secretary, and are to be deposited in the office of the Registrar of Deeds for such districts or counties respectively.

Section 103 states that it is the duty of the Registrar to receive and preserve in his office this plan and to endorse thereon the date, hour and minute when the same was deposited.

Section 163(2) provides fees for persons who make extracts or copies, and section 163(3) provides the fees to the Registrar when he is requested to make certified copies.

There are no set fees in *The Railway Act* for the depositing of these plans, and under section 93 of *The Registry Act* I fix the fee at \$5 for depositing the plan and 50 cents extra where a certificate is attached.

SEAL REQUIRED UNDER SECTION 42 OF THE REGISTRY ACT

Under section 42 of *The Registry Act* the Registrar is bound to see in examining the instrument whether the same has been properly executed within the meaning of that section.

If there is a seal or rubber stamp which purports to be a seal, affixed to the instrument, I do not think the Registrar would be justified in refusing to accept the same for registration, but in making the entry in the abstract index attention should be called to the fact that the seal is an impression only, and not impressed into the paper. Solicitors or others, then, making the search would have to satisfy themselves as to the legality of the instrument being executed in that manner.

RE REGISTRATION OF PLAN AMENDED BY JUDGE'S ORDER

A plan amended under section 86 of *The Registry Act* may be filed and registered by the authority of the judge's order alone.

Section 86 permits amendments and alterations upon application to the judge upon hearing of parties concerned. This section is enacted in order to accomplish the compilation or alteration of subdivisions, and more especially as regards streets. The legislation, in requiring the sanction of the judge's order for such amendment to be made only after the hearing of all parties interested, has provided against alterations at the instance of improper parties or under circumstances that are not just to the parties interested.

It could scarcely have been intended that the Registrar should be at liberty to defeat the carrying out of the judge's order by saying that the judge did not hear all proper parties.

Section 81 of *The Registry Act* does not apply to cases of amendments or alteration and is outside of section 86. Section 81(16), for example, requires the consent of all parties who appear upon the Registry books to be owners and mortgagees.

Under section 86, the judge may make the order, not only without the consent, but under direct opposition of some of the parties interested. The amendment, therefore, upon being presented with the judge's order, the Registrar cannot go behind the same, and it should be accepted for registration.

There is no duty cast upon a Registrar to see that the provisions of section 81 are fulfilled, because that section and its provisions do not apply in those cases under section 86.

RE DISCHARGE OF MORTGAGE

Can a mortgage given to the mortgagee trustee be discharged by a statutory form of discharge executed by the administrator of the mortgagee trustee? The mortgagee takes the mortgage expressly as a trustee.

The mortgagee trustee having died intestate, and the power of the administrator of the mortgagee to give a valid discharge being entirely derived from *The Registry Act*, section 62, I am of the opinion that the administrator of the mortgagee trustee is not the person entitled by law to receive the money and to discharge the mortgage. I do not consider that such an administrator represents the beneficiaries of the trust estate unless he expressly has been appointed a succeeding trustee.

In my opinion the administrator of a trustee so dying would have no authority to carry on the trust, and would not, for example, have the power or the right to re-invest trust monies, clear lands, give receipts and otherwise manage the trust estate. Therefore how could he possibly have the right to execute the statutory discharge of mortgage and state that he is the party entitled by law to receive the money. The acts of such personal representative, in my opinion, unless he were duly appointed trustee, would not be binding upon the beneficiary of the trust.

In my view there should be a new trustee appointed and the appointment registered and then the new trustee could execute the statutory discharge.

It may be that the instrument under which the mortgagee held as trustee makes provision for the appointment of a new trustee. If not, then a new trustee could be appointed under the provisions of *The Trustees Act*, 16 Geo. V, chapter 40.

RE SIGNATURE TO INSTRUMENTS

An instrument came before a Registrar and in the body thereof one of the parties was named as John T—, the signature of the document is made John S. T—, and the affidavit is as John S. T—, and the question arises as to whether it should be accepted or not.

The Registry Act does not lay down any ruling as to how any signature shall be made and a man may make his signature in any way he sees fit. What is required is that there shall be a subscribing witness who shall make an affidavit of execution. There being, therefore, an affidavit in proper form setting out the same, signed by John T—, it would appear to me to be sufficient.

In abstracting the instrument, however, a note should be made in the "remarks" column of the manner in which the party signs the instrument which would give notice to any parties searching.

FEES FOR SUBSEQUENT SEARCHES

A question has been asked as to the right of parties to inspect and search the general fee and receiving book in the Registry Offices.

If the searcher makes a complete search all on one day, and the same is a continued search and he wants it up to the minute, then, of course, he would pay 25 cents for the complete search which would include four references, and he would be entitled to examine the receiving book from and after the last registered number against the particular lot which he searches in order to see if there were any instruments received that had not, up to that time, been abstracted, as the abstracting is usually up to the day before. By enquiring from the Registrar as to this, the receiving and fee book need only be searched from that time on.

If the searcher, however, made a search, say the day before, and then came in the next day to close the transaction and desires to make a subsequent search in the abstract index and also in the receiving book, then the fee would be 25 cents for the search which would include four references.

The general fee and receiving book is not generally open to the public for inspection, and the party would not have the right and, in fact, it would be useless to search the book back for some days and weeks prior to the day when the last instrument had been abstracted.

RE TAKING OF AFFIDAVITS BY AN ALDERMAN

(See Sections 350 and 243 of *The Municipal Act*)

It would appear that an alderman is given power to take oaths within the limits of the municipality for which he is elected alderman.

He also is entitled to administer oaths in connection with matters appertaining to the municipality.

RE FORM FOR DISCHARGE OF MORTGAGE

Section 62 of *The Registry Act* provides that in the case of a registered mortgage the Registrar on receiving a certificate, Form 10, etc., etc.

There is nothing in the Act itself saying how far it is absolutely necessary to strictly follow the form. *The Interpretation Act*, chapter 1, R.S.O., 1914, section 28(d), provides that where forms are prescribed, deviations therefrom do not affect the substance or are not calculated to mislead, shall not vitiate them.

In a case where an omission of the name of the party discharging the mortgage in the form of certificate, in my opinion is a vital omission, as the substance of the form is very materially affected in that most important part. Undoubtedly, the name of the party discharging the mortgage should be inserted in the substance of the document.

RE DISCHARGE OF MORTGAGE

A mortgage originally had been given to A., B., and C. If this mortgage is held as joint tenants, and one dies, the survivor may execute a statutory discharge.

If the mortgage is held in shares, however, and one dies, the statutory certificate of discharge cannot be executed by the heirs at law of the deceased, but should be discharged by the surviving mortgagees and the legal personal representative of the deceased mortgagee.

If, of course, the parties are satisfied to accept the common law form of release, they may do so, but if the statutory form of certificate of discharge is used it must be signed by the personal representative.

I do not express an opinion as to the legal effect of such a release and reconveyance, under seal, yet as it is an acknowledgment that the mortgage money was paid to the proper person, it might be accepted as sufficient by parties interested in searching the title.

RE FEES FOR ABSTRACTS

There was a dispute referred to me between a solicitor and registrar in reference to a charge of \$18 made for the preparation of an abstract of a part of a subdivision. The abstract was made upon a written request to the registrar to furnish an abstract of a part of lands set out in a description which was enclosed to the registrar.

The particular piece of land in this case had not been subdivided or surveyed, and there were a very great number of entries upon the abstract index and it became necessary for the registrar to pick out those instruments which affected the particular piece of land in order to prepare the abstract, and the registrar found it necessary to examine and read a very great number of instruments in order to locate and properly plot the particular piece of land.

In this case the registrar referred to at least 150 documents. I decided the dispute in connection with this piece as follows, and allowed the following fees to the registrar:

1. Search and four references.....	.25
This fee is allowed under the provisions of section 92 (c).	
2. 28 originals inspected and produced at 10 cents each.....	\$2 00

The registrar states that 150 original instruments were produced and read. I find the abstract of title as prepared contains 63 instruments and at least 28 of these required inspection of originals by reason of not being registered in full, etc.

3. 31 references at 5 cents each.....	\$1 55
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As there are 63 entries on the abstract and 28 originals are allowed in item 2, and 4 references are included in item 1, therefore, the total number of references remaining would be 31, and I allow these at 5 cents each.

4. Additional 87 instruments read:	
44 originals allowed at 10 cents each.....	\$4 40
43 allowed as references.	
19 references at 5 cents.....	.95
24 references at 2 for 5 cents.....	.60

These 87 additional instruments read by the registrar do not appear on the abstract, but, undoubtedly, were required to be examined as stated by the registrar in order to ascertain whether or not they affected the title of this particular parcel of land for which the abstract was made.

The registrar states that it was necessary to read the originals of all these instruments. I, however, doubt the necessity of the examination of all these originals, yet a great number of said original instruments would require examination, and I, therefore, allow 44 originals at 10 cents and 45 as references.

Total number of originals allowed, 72.

Total number of references allowed, 78, made up as follows:

Four references as set out in item 1.

Thirty-one references at 5 cents, set out in item 3.

Nineteen references at 5 cents, set out in item 4.

5. Abstract of title:	
First folio.....	.25
Additional folios, at 15 cents.....	\$2 55
Reference to plan.....	.10
Certificate.....	.50
Postage.....	.20
Total.....	<hr/> \$14 15

RE REGISTRATION OF BY-LAWS CLOSING STREETS

Such by-laws should not be entered in the miscellaneous index nor in the by-law book, but are to be treated as instruments and entered in the abstract index book and the register for the townships affected.

The by-law book is reserved for money by-laws only.

Registrars should open up in the abstract index book in each township or municipality through which the particular highway, or part thereof, passes, under separate and distinct headings: e.g., "The original allowance for road between concessions.....and.....in front of lots.....and.....in concessions.....and.....in the township of.....," and then proceed to enter the by-law in the indices and also in the alphabetical index.

RE DECLARATIONS UNDER THE PUBLIC LIBRARIES ACT

Section 49 of *The Public Libraries Act*, 10 and 11, Geo. V, provides that declarations are to be filed in the Registry Offices for the Registry Division in which the public library is to be situated.

The declaration will be given a miscellaneous number and will be placed in the miscellaneous index.

RE DEPOSITING RAILWAY PLANS

These plans do not come within the provisions of *The Registry Act*. They are deposited and not registered under the provisions of *The Canadian National Railways Act*, section 13, chapter 13, 1919, Dominion Statutes, and also the provisions of *The Dominion Railways Act*, section 163, chapter 37, R.S.C.

The certificate will be signed on the plan as received and deposited in the Registry Office and the duplicate will be returned, with a certificate attached, to the parties from whom it was received. A red ink entry will also be made on the abstract index of each particular lot affected as to deposit of the particular plan.

As there is no provision in section 93 of *The Registry Act* in reference to fees for depositing plans under *The Railway Acts* and *Highway Acts*, the following fees have been affixed:

For filing or depositing any plans in Registry Offices under a Dominion or Provincial Statute, where no express provision is made.....	\$5 00
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This fee of \$5 includes all necessary entries connected with the deposit and filing.

For any certificate given.....	.50
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REGISTRATION OF ORDERS OF COMMISSIONERS UNDER THE UNITED CHURCH OF CANADA ACT

In my opinion an order given by the commissioners under *The United Church of Canada Act* is a vesting order, and while there is nothing said in the statute in regard to the manner of executing such vesting orders, and as the Commission has no seal, it is my opinion that all such orders, when signed should be properly witnessed and there should be an affidavit of execution by the witness attached to the order, otherwise I do not see how there is any proof of the due execution of the order except the mere production of the same.

I do not think that "certificate of judicial proceedings," as set out in section 35 of *The Registry Act*, covers this kind of order as the order that you have received for registration is a vesting order and is not a "certificate of judicial proceedings" which, in my opinion, is limited to judicial proceedings issuing out of a Court.

I have examined the provisions of *The Evidence Act* in order to ascertain if the mere production of an order signed by such commissioners would be sufficient, but the provisions of that Act do not extend, in my opinion, to such orders as this one.

Section 30 of that Act states that judicial notice is to be taken of the signatures of Judges, and members of the Board of Railway Commissioners for Canada, the Railway and Municipal Board, the Mining Commissioners and Referees under *The Municipal Branch Act* are deemed to be Judges, but Commissioners under *The United Church of Canada Act* are not included.

In regard to the fees for registering, the proper fee to be charged is the \$2 fee provided in section 92(a) and in this connection I would point out to you that if the original order is produced for registration and also a copy, and the Registrar is asked to certify to the copy as a true copy, in my opinion the Registrar would be justified in charging a fee for making the copy, as though he had made it himself, and also an additional fee of 50 cents for a certificate.

If, however, the original order is produced and also a copy with a request that the original be registered and the Registrar is asked to place a certificate on the copy as to registration but not certify it as a true copy; then in such cases the Registrar, in addition to the fees allowed by section 92(a), would be justified in charging a fee of 50 cents for the certificate and a reasonable fee for the examination of the copy for the purpose of satisfying himself that it

really does purport to be a copy, and possibly a fee of 3 cents to 5 cents per 100 words would be a reasonable fee for this. The certificate attached to such a copy would be in a form similar to the following:

"I certify that an instrument of which the within purports to be a copy (but not hereby certified to be a true copy) is duly entered and registered, etc."

The provisions of section 24(b) of the Act appear to have been complied with in this matter, and the affidavit of the clergyman and the witness appear to be in order.

RE DISCHARGE OF MORTGAGE REGISTRATION

The facts in a matter which were presented to me are as follows:

A. died in 1914 leaving a will which was registered but not probated, and in which his widow was sole executrix and sole beneficiary. In his lifetime A. had many mortgages and now his wife is dead and her will is about to be probated and it will be necessary to discharge certain mortgages in which A. is the mortgagee. The question is whether the executors of the widow can discharge these mortgages without the will of A. being probated.

My reply is as follows:

An executor derives his title from the will, not from the probate. See *Green v. Flatt*, 29 O.L.R., 103. Section 56 of *The Registry Act* expressly permits registration of an unprobated will, and for registration purposes the execution of the will is proved.

In this case the mortgagee died more than twelve years ago, and it appears that all his estate was left to the wife whom he appointed sole executrix.

I think that the person entitled to receive the mortgage money and discharge the mortgage is, strictly speaking, the personal representative of the deceased.

The executors of the wife are not the legal personal representatives of the deceased, and for all we know there may be creditors of A., or other persons interested in the mortgage money.

However, as a considerable time has elapsed between the death of the mortgagee, namely A., and the death of his widow who was sole devisee and executrix, it may be reasonably and properly assumed that she had paid all the debts and had administered the estate, and therefore a strong presumption is raised that she, as sole devisee after the elapse of so many years, had the right to receive the mortgage money and had become the person entitled by law to receive the mortgage money and discharge the mortgage.

Under these circumstances, therefore, provided that the discharge recites the fact of the registration of the will of A., and also the fact of the registration of the probate of the will of the widow, I would recommend that you accept such discharge for registration.

In the abstract index, of course, you should show distinctly that the discharge is given by the executors of the executrix and sole devisee, and then persons searching the title can satisfy themselves as to the sufficiency of the discharge.

RE ASSIGNMENT OF MORTGAGE REGISTRATION

As the law now stands there is nothing to prevent a Registrar from registering an assignment of mortgage by an alleged administrator without first requiring registration of letters of administration.

In fact an assignment of mortgage does not require any recitals at all so far as the Registrar is concerned.

Difficulty will be encountered, however, when a discharge is required, because then letters of administration must be registered when the statutory certificate of discharge is used.

RE REGISTRATION OF BY-LAWS

It is not necessary to copy all by-laws in the by-law book in full. The provisions of section 25(5) of *The Registry Act* provides that there shall be a by-law book kept in which there shall be entered the registration number of every money by-law, the number of the by-law and its title, and the name of the municipality, the amount of the debt, the rate of interest and the period for which the debentures are to run; and where the rates are to be levied on part only of the rateable property in the municipality, that fact shall be stated.

RE REGISTRATION OF A DECREE OF DIVORCE GRANTED IN MICHIGAN

The word "instrument," as defined in *The Registry Act*, includes a certificate of proceedings in any court and every certificate of judgment or order of any court affecting any interest in or title to land.

This instrument is clearly an instrument within the meaning of the Act as it is a certificate of an order of the circuit court and affects lands in a County in Ontario.

Section 43 of *The Registry Act* provides for the registration of court orders and states that every judgment or order affecting land may be registered on a certificate signed by the proper officer of the Court, setting forth the substance and effect of the judgment or order on the land affected thereby.

The copy of this court order submitted for registration is certified by a certificate signed by the proper officer of the court to the effect that it is a true and correct copy as appears on the records in his office, and that the certificate is sealed with the seal of the court.

My opinion is that this certificate may be treated as substantially the same as the certificate contemplated by section 43.

The decree or order itself contains a description of the land affected in a certain Registry Division. The Registrar should satisfy himself, however, that this description is such a description as comes within the meaning of section 34, being a description sufficient to enable the same to be traced and ascertained by a surveyor.

In examining the description, it appears to me to be sufficient for registration purposes, but if the Registrar considers it is not, he should have a statutory declaration attached to the instrument setting forth the proper description.

In my opinion it is an instrument that may be accepted for registration, and in registering the instrument it should be abstracted against the lands in the instrument as are in the certain Registry Division.

As the parties have sent a duplicate of this order and have asked that the Registrar's certificate be affixed thereto, I think that the fees charged would be as set out in section 92 (a) and (b), and as a duplicate certificate has already been sent with a request that it be certified to as a true copy and as to registration, a 50-cent fee might be charged for the certificate endorsed thereon.

CAN AN INSTRUMENT THAT HAS BEEN EXECUTED BY TWO OR MORE WITNESSES
BUT THE EXECUTION OF THE SAME ONLY PROVED BY THE AFFIDAVIT OF
ONE PARTY BE REGISTERED?

The provisions of sections 40 and 42 of the 1897 Statutes differ from the provisions of section 35 of the present *Registry Act* in this respect.

The 1897 *Registry Act* speaks of "the execution by the parties," and it might be argued that if any instrument were presented for registration under the provisions of the law as it stood then, with no affidavit of execution by a witness, that there would be nothing to prove that the instrument was executed, although the same would appear to be so executed; e.g., if an instrument appeared to be executed by two parties but there was only one affidavit of execution as to one party, there might be no reason for refusing registration of the instrument.

Under the provisions of section 35 of the present *Registry Act*, however, these old sections have been recast and the use of the words in the present section, namely, "who appears to have executed the same," would lead to a different interpretation.

Section 35 expressly forbids the registration of an instrument unless accompanied by an affidavit, Form 5, of a subscribing witness not being a party to the instrument, as to the execution of the instrument, *by each party who appears to have executed the same*.

Under the provisions of section 29(cc) of *The Interpretation Act*, chapter 1, 1914 Statutes, it is stated that in every Act unless the context requires, "shall," shall be construed as imperative.

Under the provisions of section 28(e) of the same Act it is provided that in every Act unless the contrary intention appears, if a power is conferred or a duty imposed on the holder of any office as such, the power may be exercised and the duty shall be performed from time to time as occasion requires.

There is nothing I can find in the context, nor is there any contrary intention appearing in *The Registry Act* to the provisions of the said section 35. "Shall," therefore is imperative and a statutory duty is cast upon the officer which must be performed.

What is that duty? I think it is this: If an instrument is presented for registration *which appears to have been executed by a party*, but there is no affidavit of execution as required by the Act, nor of one of the parties to the instrument, then the Registrar must refuse registration even although the instrument has been executed by other persons and proper affidavits are attached, because there must be an affidavit of execution for each party who appears to have so executed the instrument.

If, therefore, on presentation of an instrument, the Registrar on examination finds that the same appears to have been executed by the parties, of which he must satisfy himself and which conclusion can no doubt be arrived at if there is a signature in the same name as one of the parties opposite a seal where one is required and witness signing the same, and which purports to be the signature of the party, then I think the instrument could properly be said to appear to be executed by that party.

INSTRUMENTS REGISTERED WHICH SHOULD NOT HAVE BEEN UNDER THE
DEVOLUTION OF ESTATES ACT. WHAT TO BE DONE

Where a Registrar has, in error, registered an instrument which he should not have done under the provisions of *The Devolution of Estates Act* in reference

to the consents required, he should at once communicate with the solicitors with a view of having the proper consents attached thereto, and the provisions of the Act complied with.

Solicitors failing to comply with such a request, I think the Registrar should endeavour to get the consent of the Solicitor to the Treasury, and pending the obtaining of this consent, make a memo. in the abstract index to the effect that the provisions of *The Devolution of Estates Act* have not been complied with.

In view of the provisions of 9 Geo. V, chapter 28, it is questionable whether the grantee obtains a good title to these lands, even although the instruments have been accepted and registered in error by the Registrar.

ASSIGNMENTS OF MORTGAGE WHEN ENDORSED NOT TO BE REGISTERED IN FULL

If any assignment of mortgage in any way varies the terms of the mortgage or alters the terms of it by exceeding the time for payment or by reducing the rate of interest, then it is an instrument that should be registered in full.

RE FEES FOR REGISTRATION OF WILLS AND PROBATES

The fees for registering a will or a probate thereof are the fees set out in sections 92 (a) and (b), which are \$2, with any additional charges where the instruments exceed 700 words, etc.

A verified copy of a will, which is produced with the original will, is not a duplicate within the meaning of section 92 (a) and (b).

If a certificate thereof is required to be placed upon the verified copy, the Registrar is entitled to charge a fee of 50 cents for the same under the provisions of section 92(g).

If a verified copy is produced and a certificate is required to be placed therein, the Registrar must examine and carefully compare the verified copy with the original before he would be justified in placing his certificate thereon, and he must satisfy himself before certifying to the same that in fact the verified copy presented is a true copy of the original.

This verified copy, therefore, is not a duplicate within the meaning of section 92 (a) and (b), and is not in the same category as deeds, etc., which are presented in duplicate and are duplicate originals. The word "duplicate" in 92 (a) and (b) means duplicate originals.

There appears to be no fees prescribed for this work of certifying verified copies, and I fixed what I thought to be a reasonable fee, namely 5 cents per 100 words or folio, this fee being prescribed under the provisions of section 93 of *The Registry Act*.

RE FEES FOR REGISTERING LETTERS PROBATE

A dispute was decided by me between a registrar and a solicitor in reference to the following fees for the registration of Letters Probate:

Probate	\$2 00
Certificate	50
Comparing (six folios)	30
Total	<hr/> \$2 80

Usually, as provided by section 56 of *The Registry Act*, the original probate and a verified copy is presented for registration, and the solicitor in this case did produce for registration the original letters probate and a verified copy.

Fees for registering probate are the fees set out in section 92 (a) and (b), which are \$2.

As the verified copy produced is not a duplicate within the meaning of section 92 (a) and (b), the Registrar would be entitled to charge a fee of 50 cents under section 92(g) for a certificate.

The Registrar is also required to examine and compare the verified copy with the original before he certifies to the same, and he must satisfy himself before so certifying that in fact the certifies copy presented is a true copy.

In many cases, wills of great length with difficult punctuation, poor spelling and paragraphing are presented and great care must be observed to see that the verified copy is a true and correct copy.

There appears to be no fee for this and I fix as a reasonable fee under section 93 of the Act, 5 cents per 100 words or folio.

RE LETTERS OF PROBATE

Usually, as provided by section 56 of *The Registry Act*, the original probate and a verified copy is presented for registration.

The fees for registering the probate are the fees set out in section 92 (a) and (b), which are \$2.00.

The verified copy produced is not a duplicate within the meaning of section 92 (a) and (b), and the Registrar would be entitled to charge 50 cents under section 92(g), for a certificate.

A Registrar is also required to examine and compare the verified copy with the original before he certifies to the same, and must satisfy himself before certifying that in fact the certified copy presented is a true copy.

Many wills are of great length with difficult punctuation, poor spelling and paragraphing, and great care must be observed to see that such are true copies.

There appears to be no fee for this and I fix as a reasonable fee under section 93, 5 cents per 100 words or folio, for comparing.

RE DEEDS EXECUTED UNDER POWER OF ATTORNEY

I do not think it necessary for purposes of registration that a deed executed under a power of attorney should contain a recital of the registration of the power of attorney. It is sufficient if the power of attorney under which the deed is executed has been registered. See section 49 of *The Registry Act*.

It is better, however, in all cases to have a recital in the deed as to registration of the power of attorney.

RE DISCHARGE OF ASSIGNMENT OF MORTGAGE

Where an original mortgagee assigns the mortgage to another party but not for the full amount of the mortgage and this has not been paid off, such assignee cannot register a discharge of this partial assignment.

What should be done in such cases, is the execution of a re-assignment to the assignor.

REGISTRATION FEES FOR QUADRUPLICATES

Where a bond mortgage made in quadruplicate of which two copies were sent for registration and to be certified by a Registrar, I determine the fees to be as follows:

Registration.....	\$1 50
Certificate of copy.....	50
Comparing.....	4 55
Total.....	\$6 55

Section 92 (a) of *The Registry Act* limits originals to duplicates, and when more than a duplicate is forwarded to be registered, as for example a triplicate, or as in this case a quadruplicate, it becomes necessary for the Registrar before placing his certificate thereon as to the same being a true copy, to examine and compare the same in order to satisfy himself that the document is in fact a true copy.

If the document is in duplicate only, then the fees as set out in section 92 (a) and (b) apply, and there is no extra charge for the certificate nor for the comparing.

If the instrument, however, is in triplicate or quadruplicate and the Registrar is asked to certify on an additional copy or copies in excess of the duplicate, then section 92 (a) and (b), being limited to duplicates only, would not apply to the extra copies in excess of the duplicates, but in addition the Registrar would be entitled for each additional instrument in excess of the duplicate, where he is asked to certify as to the same, to a fee for the comparing and examining and also to a fee for the extra certificate in excess of the duplicates.

As there is no fee prescribed in *The Registry Act* for the comparing of the extra instruments in excess of the duplicates sent, I, under the provisions of section 93 of *The Registry Act*, fix a fee of 5 cents per 100 words in addition to all other fees a Registrar should be entitled to charge for this work.

Also the Registrar is entitled to 50 cents for each certificate given on instruments in excess of the duplicates. In one case, therefore, assuming that there were three instruments sent and a request made to register and return two of them with a certificate of registration endorsed thereon, I allowed 50 cents for the certificate on the instrument in excess of the duplicate, and also assuming that the instrument contained 9,100 words, I fixed the fee for the Registrar for comparing the same and satisfying himself that it was a true copy before placing the certificate thereon, a fee of 5 cents per 100 words, making a fee, in this case, of \$4.55.

I would like to point out that the fees for registering a mortgage are set out in section 48 (3) and that nothing is said in that section in regard to the duplicates or certificates, but by analogy the provisions of 92 (a) and (b) have been applied, and the fees as provided for in section 48 for the registration of a mortgage would be limited to duplicates.

RE REGISTRATION OF A DEED EXECUTED PRIOR TO THE FYLING
OF A PLAN

Where a deed is presented for registration but since the date of the execution of the deed, the lands described therein have been subdivided by a registered plan, the deed being dated before the registration of the new plan, I would say that the party tendering the document would be entitled to have it registered

as it is, as section 81 (1) of *The Registry Act* only applies to instruments affecting lands executed after a new plan has been fyled.

The instrument should be entered not only against the lots as described therein but also against the lots affected by it, as the same are designated on the new plan.

REGISTRATION OF CAUTIONS

Section 15 of *The Devolution of Estates Act*, chapter 119, R.S.O. 1914 and amendments provide the machinery for the registration of cautions after three years from the death of the testator. Under this section a caution may be registered provided there is registered therewith (1) an affidavit of execution; (2) a further affidavit with the particulars as set out in section 15 (b); and (3) the consent in writing of every adult and of the Official Guardian on behalf of each infant under section 15 (c).

If the consent in writing under section 15 (c) is not obtainable, then under 15 (d) an order of a Judge of the Supreme Court or County or District Court wherein the property is situated, may be taken.

The caution should set out the lands specifically, and if it does not do so, then there should be a statutory declaration under section 34 of *The Registry Act*.

If the instrument is executed under seal of a trust corporation, the affidavit of execution would not be required.

RE REGISTRATION OF DECLARATIONS RELIGIOUS INSTITUTIONS ACT

Section 18 of *The Religious Institutions Act*, R.S.O. 1914, chapter 286, is the section providing for registration, and there should be a record of the proceedings of the meeting held under the Act entered in the minute book which should be signed by the secretary and chairman thereof, and a copy of such record verified by the affidavit of the chairman or the secretary of the meeting is what may be recorded in the Registry Office.

The affidavit could be headed setting out the particular land affected, and it must be an affidavit.

Registration will be made against the particular lots set out in each of the abstract index books, and the same will be copied in full in the registers.

The fee would be as prescribed by section 92 (a).

FEES FOR REGISTRATION OF DECLARATION

The fees for registration of a declaration under section 36 (3) of *The Registry Act* are the fees prescribed in section 92 (u), the fee being 50 cents.

If a duplicate copy of the declaration is produced and a Registrar is asked to certify on the duplicate as to registration and number, he would be entitled to an extra 50 cents for the certificate. Section 92 (g).

RE FEES FOR CONTINUED ABSTRACTS

There are three distinct operations performed by the Registrar in the preparation of an abstract, whether it be a continued one or not, namely, (1) the search; (2) preparation and writing of the abstract; and (3) certificate given by the Registrar.

Section 92 (c) of *The Registry Act* provides the fee for the search.

Section 92 (7) prescribes the fee for the preparation or the making or writing of the abstract, and this subsection is merely indicative and directory in that the

abstract must be certified to by the Registrar. The words used are, "For an abstract of title to any specific parcel certified by the Registrar." This must mean an abstract, "that is to be certified to" after it has been prepared, and in addition to the abstract itself as written and prepared, according to the form prescribed there must be attached thereto a certificate of the Registrar which entails the accompaniment of his seal of office.

The form of the abstract set out under section 19 (2) of the Act is simply directory and prescribes the form in which the abstract must be commenced and the manner in which the same is to be certified. Therefore in addition to the 25 cent fee for the search in 92 (c) there is a distinct and separate fee for the preparing and the writing of the abstract in the form required provided for in 92 (f) and as there must be a certificate attached thereto the fee for a certificate would be as set out in 92 (g).

RE FOREIGN INSTRUMENTS, REGISTRATION

Where a document issued out of the Surrogate Court for the County of W—— in the State of M—— is presented for registration, I am of opinion that such instrument is undoubtedly an instrument within the meaning of *The Registry Act*, as the word "instrument" as defined in the Act includes certificate of proceedings in any court and every other certificate of judgment or order of any court affecting any interest in or title to land.

"Instrument" is also defined as every other instrument whereby land may be transferred, disposed of, charged, encumbered or affecting land in Ontario.

Section 43 of *The Registry Act* provides for the registration of court orders and states that every judgment or order affecting land may be registered on a certificate signed by the proper officer of the court setting forth the substance of the order and the land affected thereby.

When signed by the proper officer and sealed by the seal of the court it must be assumed that the court has jurisdiction and the same should be received for registration provided there is sufficient description of the land coming within the meaning of section 34.

RE REGISTRATIONS UNDER PUBLIC LIBRARIES ACT

The provisions for fying a declaration with required affidavit are fully set out in sections 49 and 50, chapter 69, 1920 Statutes. Such declaration is not to be registered but fyled, and will be placed in the miscellaneous register, and on the certificate simply certify that it is fyled in the Registry Office in the miscellaneous register, giving it a number.

RE DISCHARGE OF MORTGAGE UNDER POWER OF ATTORNEY

A certificate of discharge of mortgage is a creature of *The Registry Act* and must follow the requirements of that statute in order to have the effect and operation contemplated by section 67, namely, of a release and reconveyance.

Section 62 of *The Registry Act* provides by whom a certificate shall be executed, namely, by the mortgagee, his executors, administrators or assigns, or by such other person as may be entitled by law to receive the money and to discharge the mortgage.

Section 65 provides that where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall at his own expense cause to be registered before the registration of the

certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until such instruments or documents are registered the Registrar shall not register such a certificate of discharge.

Section 65 (2) provides for the contents and what is to be mentioned in the certificate, and section 65 (3) states that the section shall apply to powers of attorney. Where the certificate of discharge or prior instrument or document is executed by an attorney, it is sufficient in a certificate of discharge to state the date and the names of the parties and to endorse on the certificate the date of the registration and the registration number of each instrument or power of attorney. If the power of attorney is not registered, the certificate of discharge of mortgage cannot be accepted.

REGISTRATION OF FOREIGN PROBATES OF WILLS

Green v. Flatt

In this particular case the executors of a mortgagee proved the will in Great Britain and registered the will and the foreign letters of probate in a Registry Office in Ontario where the mortgaged lands were situated, in compliance with the provisions of section 56.

A discharge of this mortgage was executed by these executors and was also registered. It was held upon an application being made under *The Vendor and Purchasers Act* that the executors had the right to discharge the mortgage without proving the will in Ontario or having the probate resealed by a foreign court in Ontario.

By section 56 of *The Registry Act* a will may be registered (a) before probate; and (b) upon production of probate granted under the seal of any court in Ontario or Great Britain or in foreign countries.

RE REGISTRATION OF FOREIGN PROBATES

The decision contained in *Green v. Flatt*, 29 O.L.R., p. 103, is to the effect that the executor derives his title not from the letters probate of the will, which are merely evidence, but from the will itself and before probate is issued, he is clothed with full title.

This is not so in the case of an administrator who derives his title entirely from the grant of letters of administration.

Section 56 of *The Registry Act* provides for registration upon the production under the seal of any court . . . in any foreign country having jurisdiction therein . . . and by depositing a true copy of the exemplification . . . or by depositing the exemplification . . . etc.

Therefore such an exemplification under the seal of any foreign court having jurisdiction may be registered provided the requirements of the section are complied with. Of course the requirements of *The Succession Duty Act* must also be complied with. See section 56 (4).

FEES REGISTERING DEEDS—TORONTO, HAMILTON & BUFFALO RAILWAY COMPANY

While under section 302 of *The Ontario Railways Act*, R.S.O. 1914, chapter 185, as amended by 8 Geo. V, chapter 30 (5), fees for the conveyances therein mentioned are the same as those for similar instruments registered under *The Registry Act*, yet in the case of conveyances to The Toronto, Hamilton & Buffalo

Railway Company the fees chargeable will be those mentioned in section 9, chapter 75, 1884 Vic., being the Act incorporating the Company.

RE AFFIDAVITS SWORN OUT OF ONTARIO

A discharge of mortgage executed out of Ontario in which the affidavit of the subscribing witness purports to be sworn before a Justice of the Peace who has simply signed his name with the initials, "J.P." after it, may be accepted for registration.

Section 37 of *The Registry Act* is to be read with section 23 of *The Interpretation Act*, chapter 1, R.S.O. 1914, and under the latter section the affidavit sworn before the J.P., having authority or jurisdiction in the place where the oath is administered is sufficient to be accepted for the purpose of registration. It is not necessary to have the authority proved.

The Registrar should call attention, in a column for remarks in the Abstract Index, however, that the affidavit was taken before such J.P.

RE DISCHARGE OF MORTGAGE BY ONE EXECUTOR

The case of *Spellman v. Letivotz*, 44 O.L.R., p. 30, was a case in which the point in question did not arise, as in that case the mortgage apparently was given, not to the testator but to all his executors and trustees under his will.

There appears to be some doubt expressed by Meredith, C.J.C.P., in that case, but no decision was given, and the case of *Ex. P. Johnson*, 6 P.R., p. 225, is referred to. In that case Vice-Chanc. Blake ruled in 1875 that one of several executors alone could execute a discharge of mortgage given to the testator.

The learned Chief Justice also comments as follows:

"The trend of legislation seems to have been toward empowering any hands by law to receive the debt and to give a valid discharge of it, also to reconvey by way of statutory discharge of a registered mortgage the land pledged for its payment."

Stair v. Yowles, 57 O.L.R., p. 38, comments on the *Spellman* case and is authority that discharge of a mortgage executed by one of several executors when the mortgage is given to the testator, is proper.

This is correct as a mortgage debt due to the testator is not different, so far as it is a debt, from any other debt due to the testator, although it is secured by a mortgage on land it is still a debt.

It is well settled that ordinarily the payment of a debt due to a testator may be validly made to one or more of several executors and that such payment will discharge the debt.

In my opinion payment to one or more of such executors of a debt secured by a mortgage made to the testator is a valid payment of such mortgage debt and such debt is therefore satisfied, as under the provisions of section 62 of *The Registry Act*, as amended, the discharge may be executed by such other person as may be entitled by law to receive the money and to discharge it.

Registrars, however, should make a note in the abstract index setting out by whom the discharge is signed, namely by one of the executors, and it will be for the person searching the title to satisfy himself as to the validity of the discharge.

RE REGISTRATION OF ORDER VACATING MECHANICS' LIENS, SECTION 43

Judgments and orders affecting land may be registered in two ways, (1) the original order or judgment may be registered and if there are no specific lands mentioned in the order or judgment a statutory declaration may be attached setting out the lands affected. This becomes an instrument affecting land and falls within the provisions of section 2 (d) of *The Registry Act* and in such cases the original remains in the Registry Office. (2) Judgments and orders may also be registered in another way as directed by section 43, *on* a certificate signed by the proper officer of the Court, setting forth the substance and effect of the judgment or order and the land affected thereby.

The usual practice is to register judgments and orders *on* a certificate under the provisions of section 43 enabling the solicitor to keep the original in his possession.

The usual form of certificate upon which the judgment or order is registered in the S.C.O., referring to an order vacating a mechanic's lien, is as follows:

This is to certify that by an order bearing date (fill in particulars) wherein A.B. was the plaintiff and C.D. the defendant. . . .

Upon application . . . it was ordered that the certificate of action fyled in the Registry Office (set out date of registration and number) should be and the same is vacated.

This is to further certify that the lands in question in the said action are as follows (set out the lands) and at the request of the defendant or plaintiff, as the case may be, this certificate is given for the purpose of registration.

This is then signed by the clerk who issues the same under the seal of the Court, and is accepted for registration.

In regard to the fees, I may say that if the original order itself accompanies the certificate and the Registrar is asked to certify on the original as to the registration, he places on the original order his certificate and the fees would be the fees set out in section 92 (a) and (b) of *The Registry Act*, and an additional fee of 50 cents for the certificate which he endorses on the original order.

If it is requested that the original order itself be registered and deposited in the Registry Office and the party who tenders the same also produced a copy and asked the Registrar to certify to it as a true copy and as to its registration, then, of course, the original is deposited and fyled in the Registry Office and in addition to the fees allowed in section 92 (a) and (b), the Registrar is justified in charging 50 cents for the certificate and an additional fee for making a copy as if he had prepared the copy himself.

The reason for this is that a Registrar is not bound to certify to a copy prepared elsewhere than in his own office, and if he does so he is entitled to attach a condition that he shall retain the right to the same emoluments as if he actually did the work himself. The word, "duplicate" in section 92 (a) of *The Registry Act* means a duplicate original.

I would like to point out to you that in all cases of this nature it is the judgment and the order which is in fact registered, and section 43 provides for the registration of the order or judgment *on* a certificate, and it is not a registration of a certificate as such.

An example of the registration of a certificate as such where the fee is \$1 as provided by section 92 (p) is a certificate of a *lis pendens*, which certificate is issued by the officer who issues the writ and is in fact a certificate as such.

WHAT SIGNATURES REQUIRED FOR MONEY BY-LAWS

What signatures of officials are necessary to authenticate copies of money by-laws for registration?

The provisions in *The Registry Act* in reference to authentication of money by-laws is to be found in section 70 (4). These provisions appear to be in effect the same as were the provisions of *The Consolidated Municipal Act, 1903*, section 396 (3) and (4), and seem in substance to have been transferred from that Act to *The Registry Act*.

Section 70 (4) is now affected by the amendment of *The Registry Act, 1913*. Formerly there was no provision in the Act on the subject.

Section 296 of *The Municipal Act* and *The Consolidated Municipal Act*, chapter 72, 12 and 13 Geo. V, 1922, is headed, "Registration of Money By-laws," and contains not only the provisions with respect to the manner in which a copy of a money by-law should be authenticated for registration, but it also contains special provision as to the effect of registration, etc., and also provides a penalty to which the municipal clerk shall be liable if he neglects to perform the duty imposed upon him by subsection 1 which is a duty to register a money by-law by certificate under his own hand and seal of the corporation and without requiring the signature of the head of the corporation. In fact section 296 contains complete legislation on the subject as to how many by-laws are to be registered and as to the consequences of neglect of duty and as to the effect of registration, etc.

The provision of *The Registry Act* and amendment of 1913 now found in section 70 (4) of *The Registry Act* has in reality been adopted unaltered from the old Municipal Act without regard to the fact that the provisions of the former *Municipal Act*, section 396 (1) have been redrafted and now appear passed in the new and amended form by the legislature in section 296.

Under all circumstances, therefore, I am of opinion that compliance with section 296 of *The Municipal Act* must be deemed to be sufficient, and I think it is the duty of the Registrar to register the copies of the money by-laws certified to by the clerk as set out in section 296.

RE REGISTRARS FEES

1. Fees for depositing railway plans under *The Dominion Railway Act*.
2. Fees for swearing land tax affidavits and other affidavits.
3. The 5 cent fee for lists supplied to municipalities.

Section 102 of *The Registry Act* is amended by 8 Geo. V, chapter 27, defines net income to be the excess of all fees and emoluments earned during the calendar year. Section 107 of *The Registry Act* provides that in ascertaining the percentages payable under the Act there shall not be included in the fees and emoluments any sum receivable from a municipality for the preparation of abstract indexes or for work done under section 26 or 28 or subsection 5 of section 83 or section 100, nor shall anything in the Act apply to the fees or emoluments received as returning officer under *The Election Act*.

Section 26 makes provision where territory has been attached to a new Registry Division form:

Section 48 refers to fees for recopying books under the order of the Inspector, also repairing, etc. Section 83 (5) provides for fees in connection with services re preparation of abstract indexes to subdivisions of a township or park lots in urban municipalities. Section 100, now section 3, chapter 26, Ontario Statutes, 1923, deals with preparing lists for municipalities.

My own view is that the fees for the railroad plans and fees for swearing affidavits are fees and emoluments earned during the year, and all fees earned except those expressly excepted by section 107 should be included in the fees of the office.

CAN A MORTGAGE GIVEN TO THREE EXECUTORS AND TRUSTEES BE DISCHARGED
BY TWO OF THEM IF THE THIRD IS LIVING?

Assuming that the mortgage does not contain anything to the effect that the mortgagees are tenants in common or entitled to the mortgage moneys other than jointly, the discharge of mortgage should, if possible, be executed by all, and it would be well in order to have any doubt clear, to suggest to the solicitor to have all the executors sign the discharge.

If, however, there is nothing on the face of the mortgage permitting one or more of the mortgagees to discharge it, I would suggest that if registered as it stands a note be made in the abstract index calling attention to the fact of the discharge being executed by only two of the three mortgagees; and any certificate given of the discharge should call attention to the same circumstances.

RE AMENDMENTS MADE 1927—REGISTRARS OF DEEDS

Registrars should carefully read and examine the amendments made to *The Registry Act*, chapter 38, 1927 Ontario Statutes. Note particularly (1) The general register index will now only contain the names of the testator and the executors. See section 6. (2) No foreclosure or sale under power shall be recorded until the mortgage has been registered in full. Section 8. (3) Fees for searches on registration of a plan changed. Section 13. (4) It is no longer necessary for a Registrar to show in his annual return the number of mortgages recorded. Section 99 (3) has been repealed.

Registrars should also examine *The Surveys Act*, 1927, chapter 54, and *The Vendors and Purchasers Act*, chapter 37.

COURT ORDERS—REGISTRATION AND FEES

The usual practice is to present for registration a certificate of the final order which is deposited in the Registry Office.

The fees for the same are the fees set out in section 92 (a) and (b). Section 43 of *The Registry Act* shows that it is the judgment or order that is registered and the method of registration is on a certificate.

The fee set out in 92 (p) refers only to the registration of a certificate as such and does not apply to the registration of an order or judgment registered under section 43.

An example of registration of a certificate as such coming under the provisions of 92 (p) is the certificate of *lis pendens*. Such is not an order or judgment of the court but is merely a certificate of institution of an action.

RE REGISTRATION OF LETTERS OF ADMINISTRATION AND STATUTORY
DECLARATION SETTING OUT LANDS

There is no necessity for letters of administration being registered first in the general register and then under section 34 (2) and (3) to have the statutory declaration recorded.

It is quite in order for the declaration to be attached to the letters of administration, and when received registered in the general register and general

index and copied. If the declaration is attached a proper note will have to be made in the abstract index book against the lands affected, and the letters of administration and declaration will also have to be copied in the register for the particular municipality in which the land lies.

RE REGISTRATION OF ORANGE LODGE WARRANT

Orange officials should obtain a statutory declaration in triplicate for warrant from the Grand Secretary, which declaration is given for registration purposes.

This declaration states who is the Grand Secretary, that the Grand Lodge established a lodge at A—— by warrant dated, and sets out full particulars in reference to the warrant and the corporate name and the Grand Secretary signs the same, and the declaration bears the corporate seal.

On receipt of this statutory declaration it will be entered in the miscellaneous index and given a miscellaneous number.

The fees will be \$1 and 50 cents for the certificate which you place on the declaration handed back to the parties.

PROVISIONS OF DEVOLUTION OF ESTATES ACT—CONSENT OF TREASURY OR FYLING CERTIFICATE FROM THE SURROGATE COURT

Where a Registrar has presented to him for registration six or eight deeds in duplicate, covering lands which require the consent of the Solicitor to the Treasury or the fyling of a certificate from the Surrogate Court, it is not necessary that a separate certificate be attached to each instrument so long as the Registrar is satisfied that the provisions of the Act have been complied with; and if the necessary certificate has been fyled, which is required, this would be sufficient evidence so far as the Registrar is concerned.

AFFIDAVITS OF WITNESS BEFORE JUDGE OF FOREIGN COURT

Affidavit of a witness to an instrument taken before a Judge of a foreign court with the seal of the court attached, in my opinion, can be accepted as being sufficient for registration purposes as it must be assumed that the court judge is competent and has authority.

In making the entry in the abstract index, call attention to the fact as to the manner of making the affidavit.

CERTIFICATE OF ORDER APPOINTING COMMITTEE—DISCHARGE OF MORTGAGE BY COMMITTEE OF A LUNATIC

Such a certificate should not be entered in the General Register, but if it is required to be registered, there should be attached a statutory declaration setting out the lands affected, under section 34.

In reference to the execution of a discharge of mortgage by a committee of a lunatic mortgagee, I have carefully considered the extracts from Mr. Guthrie's Report, page 20, 1913, and Mr. Mallon's Report, 1916, page 22. The rulings given in both cases are based upon the fact that it is the lunatic mortgagee by his committee, and not the committee who executes the discharge. Just as in the case of the execution of a discharge under power of attorney, the attorney signing his constituent's name, per his own as attorney.

The reason why a power of attorney must be registered and set out in the discharge, is because of the fact that subsection 3 of section 65 makes special

provision for its registration. There is no similar provision requiring the registration of the certificate of the order appointing the committee.

Therefore when a discharge of mortgage is presented, commencing: "I, A.B.— of the city ofetc., do certify, etc.," A.B. being the lunatic mortgagee, which discharged is signed, "A.B.— per C.D.— his committee," in my opinion such a discharge can be received without the registration of the certificate of the Court Order.

If, however, the discharge of mortgage is in the form similar to the one, copy of which you sent me, where the same recites, "I, C.D.— of the city ofcommittee of the person in the estate of A.B.— do certify, etc.," and is simply signed by C.D.—, such a discharge should not be received until the certificate of Court Order has been registered and the registration recited in the discharge.

My reason for this is that a discharge in this form is not executed by the lunatic mortgagee per C.C.— committee, but is executed by the committee as such.

RE MANNER OF ENTRY OF COMPILED PLANS

Compiled plans made under the provisions of section 88 of *The Registry Act* are different from an ordinary plan of a subdivision and a Registrar is not bound to satisfy himself as to the owners and the mortgagees, because the owners and the mortgagees do not have to sign such a compiled plan.

On receipt of such a compiled plan a Registrar should open up a new abstract index for all lots on the plan, and when the instrument in future come in for registration, the description should refer to these plans.

If a Registrar receives an instrument with a description which does not refer to the plan, I would suggest that the instrument be returned and the party asked to add the following to the description:

"the lands now being lot.....on registered plan....."

The entry of the plan could be made on the abstract of the different lots, in many cases, without opening up new abstract index books in each particular case, by simply making the entry on the abstract of the particular lot; and if there are a great many lots upon which the entry is to be made it would save a good deal of writing if the Registrar would procure a rubber stamp with which to make the first entry.

The first entry that would be made on each lot would be as follows, taking the statutory headings as appear on each abstract index:

No.	Instru- ment	Its Date	Date of Registra- tion	Mortgor.	Mtgee.	Land	Considera- tion	Remarks
No. of Plan	Plan	.....	.....	Surveyor's Name	Municipality	Town of...	.....	Municipal Plan

The Registrar would be entitled to the fees provided in section 92 (h), a \$5 fee, and a fee of 5 cents in excess of twenty lots up to 100, and 2 cents in excess of 200, and, of course, the expense in connection with the same will be properly payable by the municipality.

RELEASES OF LEGACY, AGREEMENTS FOR SALE OF LAND AND OTHER INSTRUMENTS WITHIN THE MEANING OF SECTION 36 OF THE ACT

If duplicate originals are produced the fees will be those set out in section 92 (a) and (b), except in those cases where the instrument comes within the meaning of section 36 when the fee to be charged is the reduced fee as in mortgages not registered in full, as provided for in section 48 (7).

If there is presented one original and a copy, and the copy is asked to be certified to by the Registrar as a true copy, then in addition to the fees set out in 92 (a) and (b), or in case of instruments under section 36 as provided by section 48 (7), a 50 cent fee could be charged for the certificate and also a fee for the preparation of a copy as if the same had been prepared in the office of the Registrar.

If the original is produced and also a copy, and the Registrar is requested not to certify to it as a true copy but simply to endorse thereon a memo. of registration, the Registrar in addition to the fees allowed by section 92 (a) and (b) and for instruments under section 36 as provided by section 48 (7), would be justified in charging a fee of 50 cents for the certificate and also a reasonable fee for examining the copy for the purpose of satisfying himself that it really does purport to be a copy, and under section 93 of the Act I would fix a fee of 5 cents per 100 words as a reasonable fee.

The usual form of certificate used in cases mentioned in the preceding paragraph would be as follows:

"I certify that an instrument of which the within purports to be a copy (but not hereby certified to be a true copy) is duly entered and registered in the Registry Office for the Registry Division for the County of in Book etc."

RE DESCRIPTION OF EASEMENTS

In cases of grants of easements it must be deemed to be a sufficient compliance with section 34 of *The Registry Act* to describe the lands over or upon which the easement exists, or which it may affect, and also describe the nature of the easement.

The land over which the easement is given must be defined by a definite description as can be ascertained by a surveyor, that is, the description is sufficient if it enables the surveyor to go upon the ground and locate the land for which the easement is given.

The object of *The Registry Act* is to provide for a notice of, amongst other things, burdens affecting lands . . . and such object may be deemed to be sufficiently accomplished by giving the description of the servient tenement and a description of the nature of the easement to which the same is made subject.

Suppose a grant of land gave the privilege to the grantee to use a well or spring upon the adjoining land, describing that land, with the right to go to and from the well or spring and use the water in it, would not the description of such a grant be deemed sufficient under section 34, even where there was no division, path or way to the well or spring, provided, however, the land over which the same was given were definitely described?

I am of opinion that such would be sufficient, because the servient tenement or lands over which the easement is given is sufficiently described and the nature of the easement also described.

There are also many other cases of easements not uncommon, such as a right of way to maintain eaves, not saying how wide, over an adjoining lot,

or to lay water or waste pipes through an adjoining lot, where the servient tenement is described and the nature of the easement set out.

On examination of a form of easement that came before me I observed that it proposed to give a definite description of the lands over which the easement was given, or in other words the servient tenement, and to set out this particular description in Schedule "A." In the instrument the nature of the easement was also set out.

What the Registrar is concerned with, is to satisfy himself that the lands known as the servient tenement being the lands over which the easement is given and set out in Schedule "A," are defined by a definite description, namely such a description as can be ascertained by a surveyor or a description sufficient to enable a surveyor to go upon the ground and locate the land over which the easement is given.

For example, if the lands in Schedule "A" were described as lots 7 and 8 in the second concession of the Township of B—, or the north half or south half of a certain lot in a certain concession, or lands described by metes and bounds, I would say such would be a sufficient description; but lands described as a part or portion of a lot would not be sufficient.

I have given here a general outline as to such grants, and the views herein should be made applicable to each individual grant, as each individual grant must stand by itself and be considered by itself according to the sufficiency of the description contained in Schedule "A," if prepared in this form.

SHERIFFS

FEES TO SHERIFF ESTREATED BAIL WHERE WRIT ISSUED

Where bail has been estreated under *The Estreats Act*, chapter 98, R.S.O. 1914, for which a writ of execution has been issued and handed to the Sheriff and no actual seizure had been made by the Sheriff and the bondsman paid the amount of the bail estreated, the Sheriff is entitled to the fee provided in Item 23 of *The Administration of Justice Expenses Act*, chapter 35, 1926 Statutes, which in part is as follows:

Where a levy has not been made.....\$2 for every \$100 of the amount received.

If the offence were an offence under any Ontario statute, then the estreat would be properly payable to the Province and under section 14 of *The Estreats Act* the Sheriff is directed to pay over all money collected to the Treasurer of Ontario or other officer or person entitled to receive the same.

I can find no authority whereby the Crown Attorney would be entitled to a commission of four per cent. on such moneys in view of the provisions of section 14 of *The Estreats Act*, above quoted.

The Sheriff, of course, should obtain his fees from the parties.

RE SHERIFFS' FEES FOR SUMMONING AND SERVING JURORS, ETC.

1. Under Schedule "A," chapter 25, 8 Geo. V, being an Act to amend *The Administration of Justice Expenses Act*, a Sheriff can charge Items 3 and 4, being for summoning each Grand Juror for the High Court Division or General Sessions, or for summoning each Petit Juror for the High Court Division or General Sessions. This means that the one summons for the sessions and the sittings of the Court are included in one charge only, and those fees for summoning the Jury are included in the administration of justice expenses and are paid by the Province.

2. Under the provisions of section 7 of chapter 23, 8 Geo. V, being an Act to amend *The Jurors Act*, the Sheriff is entitled to charge under Item 3, for every summons served upon the jurors, at the rate of 50 cents, and if the same juror is being summoned both for the Sessions and for the County Judges Criminal Court or Sittings of the High Court Division, only one service fee is allowed. This fee, of course, is paid by the municipality.

You will notice that the fee allowed in *The Administration of Justice Expenses Act* is for summoning the juror, while the fee in *The Jurors Act* is for serving the juror.

3. Where a sittings of the High Court Division and the General Sessions, or General Sessions and County Judges Court are on the same day and the Jury is summoned for both courts, this is considered only as one court.

4. Item 4 of section 7 of *The Jurors Act* provides for mileage. I might point out to you that in the City of Toronto and in some other places mileage is allowed for serving jurors and also mileage is allowed sheriffs in the districts while service is made in the district, town or city.

SHERIFFS' FEES SUMMONING GRAND JURORS UNDER DIRECTION OF COURT

Where there does not appear as many as thirteen jurors summoned upon a panel returned upon the precept, and the Court acting under the authority of section 67 of *The Jurors Act* commands the Sheriff to name and appoint so many persons then present, or who could then be found, in order to make up the grand jury of thirteen, the question arises as to what fees may be certified to by the justice.

There does not appear to be any fee provided in *The Jurors Act* covering the services of sheriffs rendered under the provisions of the above-named section 67. The only fee provided that would govern such cases is the fee set out in Items 3 and 4 of section 102, as amended by section 7, chapter 23, 1918 Statutes, as follows:

"For any summons served upon the jurors of any panel, 50 cents; for every mile which the Sheriff or deputy travels for the purpose of serving such, mileage to be allowed for going only, and not for returning, 15 cents."

This fee is for *serving* jurors and does not apply to talesmen summoned from people in the courthouse or close at hand. This fee only applies in cases where summons is actually issued and it is necessary to so issue the summons and have the party served, as for example, where he is outside of the courthouse. In organized counties, these fees under *The Jurors Act* are paid by the counties, but in the districts they are paid by the Province, and the practice followed in the Department here, in cases of the districts, is not to allow any fee for such service rendered by the Sheriff where the party is summoned from people in the courthouse or close at hand, but only where a summons is actually issued and it is necessary to have someone make a service.

I may say that the Auditor of Criminal Justice Accounts quite often receives certificates from Judges certifying to fees, but the only fee allowed is as above stated, where the party is outside of the courthouse and summons is necessary.

I may also say that it has been contended that section 30 of *The Sheriffs Act*, chapter 16, 1914, R.S.O., applies in such cases, which said section reads as follows:

"Where a Sheriff is directed by the court to perform any service and do any act for which no fee is provided, the Sheriff may be allowed such fee as the court may think fit and the same shall be payable as the court may direct."

The opinion was expressed by the late Mr. Cartwright, late Deputy Attorney-General, that this particular section of the Act does not, nor was it intended to cover the services performed by the Sheriff under section 67 of *The Jurors Act*.

SHERIFFS' FEES UNDER CREDITORS RELIEF ACT

In my opinion a sheriff is entitled to the same fee for fyling a certificate under *The Creditors Relief Act* as he would be for fyling an execution.

See subsections 2 and 6 of section 10 of *The Creditors Relief Act*.

RE SHERIFFS' FEES WRIT OF POSSESSION

The only fee the sheriff is entitled to in connection with the writ of possession is the fee setting out Item 6 of the tariff. Item 7 does not apply in cases of writs of possession.

RE STATUTE LABOUR AND SCHOOL TAXES, SALE BY SHERIFFS

I appreciate the difficulty experienced by sheriffs in the districts in connection with the accuracy of lists received by them from commissioners under *The Statute Labour Act* and the school boards under *The School Act*. The commissioners and boards do not make a search in the Registry Office or Land Titles Office to ascertain if the lands reportable are patented or unpatented, or as to the correctness of the owners, and many lists are returned to the sheriffs in which it is found that there are many errors in describing the lands as to being patented or not, and also as to the names of the owners.

It has happened in some sheriffs' offices where lists so received have been advertised and the land sold that, when the sheriff makes a search in the Registry Office or Land Titles Office on or after the sale for the purpose of sending out the final thirty-day notice to owners and encumbrancers, many lands have been put up for sale which are really in the Crown and lands of owners have been sold, the owners complaining that they had no notice of the taxes or they would have paid them.

In some offices, also, enquiries have been made for information regarding taxes due on different lots by owners who have never received any notice.

Sheriffs are bound to set out in the advertisements an accurate list of the lands to be sold, showing those lands that are patented and those that are unpatented, under section 149, and I do not see how a sheriff can comply with this section properly unless he makes a search, on receipt of the lists, in the Land Titles Office or the Registry Office, as the case may be, to see that the lands are properly described and also that proper parties are set out.

The procedure to be adopted by sheriffs, therefore, will be as follows:

1. On receipt of the lists and before advertising, make a search in the Land Titles Office or Registry Office, as the case may be, to see who the owners are, and to obtain proper descriptions of the lands as to whether the same are patented or unpatented, held under lease, license or occupation.

2. A copy of this list might also be sent to the Department of Lands and Forests to have indicated opposite each lot whether the same is patented or unpatented, or held in lease or license or occupation.

3. If any errors are discovered, advise the commissioners or the board, as the case may be, and if it is found that the name of the owner is wrong, I think if the board or commissioners were to send out proper notices, in many cases it might result in the taxes being paid.

4. Cost of the search made by the sheriff and any charge which the Department of Lands and Forests have for examining the list sent, should be apportioned and added to the amount of the costs.

I think the sheriffs are justified in carrying out this procedure in order to comply with the provisions of section 149, in reference to correct statement of lands in their advertisements.

5. Sheriffs, of course, must also search again, a year from the sale, and send out the final thirty-day notice, as set out in section 171.

RIGHT OF JUDGE TO INCREASE COMMISSION TO SHERIFF ON SALE OF LAND FOR STATUTE LABOUR AND SCHOOL TAXES

Section 194 (1) of *The Assessment Act* gives power to the Judge in writing to increase the commission over and above $2\frac{1}{2}$ per cent., but not to exceed 10 per cent. This section deals with the sale of lands in Muskoka and Parry Sound, and *The Statute Labour Act*, chapter 196, section 10, R.S.O. 1914, provides that the procedure and the provisions applicable shall be the same or as nearly as may be possible as in the case of the sale of land by the sheriff for arrears of taxes in organized municipalities in the Provisional Judicial Districts of Muskoka and Parry Sound.

Therefore this section dealing with the power of the Judge to increase the commission would apply to any sales made under *The Statute Labour Act*. In my opinion it does not apply to sales made under *The Public Schools Act* because section 37 (7) of that Act states that the proceedings shall be the same or as nearly as may be possible as in the case of the sale of lands for arrears of taxes in organized municipalities, and therefore comes under the general sections of *The Assessment Act*.

RE SALE OF UNPATENTED LANDS

In case of a sale being made of any unpatented land or any land held under lease, license or occupation from the Crown, it is the interest only of the person other than the Crown that is liable to be sold.

The tax deed must distinctly state that the sale is the sale only of the interest of such person in the land, and shall give the purchaser the same interest and rights only, in respect of the land, as the person had whose interest is being sold.

Whether the interest sold is that of a lessee, licensee or locatee must also be clearly stated in the deed. See section 157 of *The Assessment Act*, and following sections.

Care, therefore, should be taken in the preparation of such deeds, the form of which is found in the schedule to the Act. Sheriffs should also be careful to see that the provisions of *The Assessment Act* in reference to notices, certificates, publications, form of debts, requisite where the municipality buys the land, etc., have been fully complied with.

RE WRIT OF EXTENT

A writ of extent fyled with a sheriff by an inspector of taxation gives a sheriff more extensive power to examine persons, etc.

What a sheriff should do first, is to serve a copy of the writ with written instructions not to pay over any money, and if possible ascertain the amount, if any, owing to the defendant.

When this is done make a report to the Inspector of Taxation and await his further instructions.

If a sheriff finds it necessary to summon anyone in the matter or take further steps it would be advisable to consult his own solicitor in the matter.

SHERIFFS—RE EXCHEQUER COURT WARRANTS ADMIRALTY COURT

When a sheriff serves the warrant and writ of summons and arrests the ship, and the claim has been paid to him and the ship released, the sheriff will remit the amount to the Registrar of the Admiralty Court, Mr. John Bruce, who in turn pays the same into the Exchequer Court and forwards a receipt. The amount forwarded by the sheriff should be the full amount of the debt paid, and bank charges for forwarding the same should not be deducted. Such bank charges should be sent in a separate statement to the Registrar who will see that they are paid. The sheriff, of course, would be entitled to retain his proper fees.

Sheriffs are marshals of the Exchequer Court, and any fees earned should be included in the earnings of their office and a record should be made in the execution book similar to the record made in executions received in Ontario courts.

RE FEES TO SHERIFFS FOR SEARCHES OF EXECUTION BOOK

If executions are searched against a party and the sheriff notifies the party searching that there are, say four, recorded and particulars are asked for at the same time, the person searching is entitled to get these particulars for the fee for search in Item 18 of the Tariff, namely, 30 cents.

My understanding of the words, "if not made by a party to a cause or his solicitor," is that a party to a cause or his solicitor could search the execution in that particular action without any fee, e.g., if the defendant desired to see if the execution were properly enforced, he could go to the sheriff's office and search, and the sheriff would not be entitled to charge him a fee for this search.

RE SHERIFFS

Vouchers and cancelled cheques should be kept for all moneys paid out on any execution upon which money has been realized.

Proper entries should be made in the execution book and in the fi fa cash book, and these cancelled cheques should be kept in such a manner as would enable the officer to produce them for a speedy check-up. In some offices the cancelled cheques are pasted in the fi fa cash book where the entries are made; and in other offices they are kept in a folder alphabetically.

Sheriffs must keep these vouchers in either of the above ways, possibly the folder with alphabetical compartments would be easiest, and this would enable the officer to immediately produce any cancelled cheque when called for.

RE JUVENILE COURTS

FEES BY JUDGE

The following provisions of *The Juvenile Delinquents Act, 1908*, are:

Section 5.—"Except as hereinafter provided, prosecutions and trials under this Act shall be summary and shall *mutatis mutandis* be governed by the provisions of part 15 of The Criminal Code in so far as such provisions are applicable whether or not the act constituting the offence charged would be in the case of an adult triable summarily, etc."

The section goes on to provide that the word, "justice" in such provisions in the Code shall be taken to mean, "Judge of the Juvenile Court."

Section 16 provides the penalty to be imposed upon a child who is proved to be a juvenile delinquent. Discretionary power is given to the judge to impose a fine not exceeding \$10, or to commit the child to the care of a probation officer, etc.

Juvenile delinquent means, under the definition in the Act, any child who violates any provisions of the Criminal Code or of any Dominion or Provincial statute, or any by-law of any municipality for which violation punishment by fine or imprisonment may be awarded, or who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory.

There is nothing in section 16 providing that costs should or should not be imposed.

Section 18 provides that where a child is proved to be guilty of an offence for the commission of which a fine, damages or costs might in the case of an adult be imposed, the court, if of opinion that the case would be best met by the imposition of a fine, damages or costs, shall order that the fine, damages or costs be paid by the parent or guardian of the child instead of by the child.

Section 32 provides that nothing in the Act shall be construed as having the effect of repealing or over-riding any provision of any Provincial statute, and when a juvenile delinquent who has not been guilty of an act which is under the provisions of the Criminal Code an indictable offence, comes within the provisions of a Provincial statute, it may be dealt with either under the Provincial Act or this Act. Section 33 provides that so soon as this Act comes into force in any Province, City, Town, etc., every provision of the Criminal Code or any Act of the Parliament of Canada inconsistent with the provisions of this Act is repealed as to such territory.

CONCLUSION.—My conclusion is that the only punishment that can be imposed upon a child proved to be a juvenile delinquent for an offence under the Code or any Dominion Statute, is the penalty provided in section 16 of the Dominion Act which provides for a fine not exceeding \$10, or committed to the custody of a probation officer, etc., and this penalty supersedes the penalty prescribed in the Criminal Code or other Dominion Statute for the particular offence with which the child is charged. Penalties for offences under Provincial statutes under the provisions of section 32, may be as provided under such.

There is nothing said in section 16 of the Act that no costs should be imposed but as the provisions of section 5 provide that the provisions relating to summary trials under Part 15 of the Code apply, I see no reason the Juvenile Judge sitting as he does as a justice within the meaning of the Code, could not charge the fees that a justice might charge if acting in a similar case where an adult was charged.

I think that this view is further strengthened by the provisions of section 18 of the Dominion Act, which provides that fines, damages and costs may be imposed upon the parent or guardian of the child.

Is the Juvenile Court Judge entitled to retain these fees for his own personal use? Under *The Police Magistrates Act*, salaried magistrates are required to pay over their fees to the authority paying them. There is no such provision as to Juvenile Court Judges. It is true that under *The O.J.C. Act* provision is made for the payment of a salary to the Juvenile Court Judge, but as a fact the great majority of the Judges give their services free or practically free.

CROWN ATTORNEYS

TWO-THIRDS CROWN WITNESS FEES TO COMMUTED CROWN ATTORNEYS
PAID BY COUNTY

Under section 13, chapter 36, 16 Geo. V, a Crown Attorney receives from the municipality a fee of \$1 for crown witness fees and one-third of this is repaid to the municipality out of The Consolidated Revenue Fund.

All commuted Crown Attorneys, therefore, charge up two-thirds of all crown witness fees to the county.

MAGISTRATES

1. All matters under *The Ontario Summary Convictions Act*, which would include all matters under Ontario Statutes and Municipal By-laws, are governed by section 8 of that Act, which directs that all informations, depositions, etc., shall be forwarded to the Clerk of the Peace.

2. Section 793 of the Code provides that in all cases under Part 16 of the convictions and certificates of dismissal with the written charge, etc., shall be transmitted to the Clerk of the Peace.

3. All informations, etc., in connection with offences under Part 15 of the Code must be filed in the magistrate's office.

I do not see how these statutory provisions can be overcome. There is nothing in any of the statutes requiring police magistrates to keep duplicate informations, depositions, etc.

RE DISPOSAL OF ESTREATED CASH BAIL

It is well to note that all proceedings in connection with offences against municipal by-laws must be taken under *The Ontario Summary Convictions Act*. By section 4 of this last-mentioned Act, the provisions of Part 15 of The Criminal Code as it stood at the time of the last enactment of *The Ontario Summary Convictions Act*, that is, at the time of the passing of the Revised Statutes of Ontario, 1914, are incorporated into such Act.

Upon looking at the provisions of section 711 of the Criminal Code which is a portion of Part 15 of the Code, it is to be noticed that the provisions of Parts 13 and 14 of the Code relating to compelling the appearance of the accused before the Justice receiving an information for indictable offences, etc., shall, so far as the same are applicable except as provided by the sections immediately following, apply to any hearing of the sections of Part 15.

Under Part 13 of the Code provision is made in section 653 and subsequent sections for the issuing of summonses or warrants and it has been held that a magistrate upon receiving an information under Part 15 of the Code may issue either a summons or warrant as in his discretion seems best. (See notes under section 711 in Crankshaw's Criminal Code, where it is stated as follows):

"Under the combined effect of section 711 and of section 655 a magistrate has discretion to issue either a summons or a warrant, as he may deem best."

Under Part 14 of the Code, provision is made in section 681 for the taking of bail under remand.

In case there is a default made under recognizances or other form of bail, provision is made under section 1100 of the Code for estreat, these provisions covering any default made in recognizances under any provisions of the Code are, therefore, applicable to default in bail taken under section 681.

Therefore, it seems to be quite clear that the provisions of section 5 of *The Fines and Forfeitures Act*, apply to the disposition of forfeitures of bail taken in connection with matters under Ontario Statutes, as in that section every forfeiture imposed under statutes in force in Ontario is given to the Crown and directed to be paid to the Treasurer of Ontario, and as above shown, such forfeiture is, in fact, a forfeiture imposed under the provisions of Ontario Statutes.

RE CROWN ATTORNEYS DUTIES AND DESERTED WIVES MAINTENANCE ACT

The Deserted Wives Maintenance Act, chapter 27, 12 and 13 Geo. V, and amendments casts no duty upon a crown attorney to attend and prosecute in cases where the complainant is a deserted wife or child or any person who has the care and custody of a deserted child. The only duty cast upon the crown attorney by this statute, however, is to attend when a complainant is any other person than those above named.

If a crown attorney, therefore, attends on behalf of the above named persons in which there is no duty cast upon him, it would be private practice and he would be entitled to charge a fee to the party for his services and such collected are not fees of his office as crown attorney. Of course the crown attorney uses his own discretion as to whether he attends in such cases or not. See section 4 of the Act.

The costs of the proceedings under *The D.W.M. Act* and in fact the proceedings, are the same as provided in the provisions of *The Summary Convictions Act*, and under section 6 of that Act, being chapter 31, 16 Geo. V, no counsel fee can be allowed by a police magistrate. Section 735 and 736 of the code dealing with costs to be charged do not apply. See section 4 of *The O.S.C. Act*.

The Crown Attorneys Act dealing with the Crown Attorney of the County of York, casts a duty upon the crown attorney to institute and conduct prosecutions under *The D.W.M. Act*, but there is no provision for other crown attorneys.

Even although the police magistrate requests a crown attorney to attend on such prosecution, where the wife is the complainant, the attendance would not be as crown attorney in the performance of his duty, and any fee charged could not, in my opinion, be properly chargeable against the county. Any fee would have to be arranged for with the party herself.

RE CORONERS' OATHS

The only form of oath that appears to apply to coroners would be the oath mentioned in section 5 of *The Public Officers Act*, chapter 15, R.S.O. 1914. By this section the oath of allegiance is necessary and also the oath for the faithful performance of the duties of the offices, or for the due exercise of their profession or calling as may be required by any law in that behalf.

There is no provision in *The Coroners Act* for the taking of the oath for the performance of duties.

CROWN ATTORNEYS' FEES UNDER INLAND REVENUE ACT

It is the opinion of the Department that a crown attorney should include in his return such fees as are earned by him in prosecuting indictable offences against the *Inland Revenue Act*, as there is a duty cast upon him to prosecute all indictable cases coming before the General Sessions, County Judges Criminal Court before a police magistrate under Part 16 of the Code, when the latter requests the crown attorney to attend.

In summary conviction offences, however, under *The Inland Revenue Act*, there does not appear to be any such duty cast upon the crown attorney, and I do not think these fees should be included.

FEES TO CROWN ATTORNEYS, C.J.C.C. FOR CHARGES AGAINST ONE PERSON

What would be the fees allowed to a crown attorney in a case where he had tried charges in the County Judges Criminal Court against one person, all of which were tried upon the same day and upon which the accused was acquitted on all counts.

The practice in dealing with crown attorneys in districts where the fees are paid by the Province in such cases is that three cases are usually allowed for. This is, there would be three fees allowed under Item 4, making \$30; three fees under Item 1, making \$6; and three fees under Item 2, making \$6; in all \$42.

Of course a certificate is produced signed by the crown attorney certifying that in the cases charged for in which costs have been ordered to be paid by the defendant, the same cannot after due effort be made of the defendant, and a certificate is also given by the chairman of the General Sessions of the Peace or Judge of the County Judges Criminal Court, as the case may be, that the bill of costs for the business performed as therein set forth and the several charges are correct, and that no costs had been ordered by the Court to be paid by the defendant, or if ordered to be paid cannot be made of the defendant.

It would appear that the provisions of paragraph "A" to the schedule in chapter 35, 16 Geo. V, were made in order that several charges could be laid against the accused and proceeded with in order to place all the evidence in every case before the Judge and allow the imposing of a heavier sentence if the evidence and affidavits warranted the same, but after exhausting three counts the matter should be pretty well determined and that appears to be the reason why the limit is placed at three, which is reasonable.

OFFICIAL RECEIVERS

RE OFFICIAL RECEIVERS IN BANKRUPTCY

Should a custodian file an affidavit proving the mailing of notice to creditors with blank forms of proxy attached and also evidence be produced as to publication of notice in the *Canada Gazette* and a newspaper.

In connection with this it appears to me that the Official Receiver should have evidence produced to him that the custodian has carried out his duties.

The Official Receiver appoints the custodian, see section 9 (4), and form 18 (a) is the prescribed form used in making the appointment, and in this appointment the custodian is required to give the notices pursuant to the provisions of section 42 (2) and also be an officer of the court. He is required by section 11 (4) to publish the notice in the *Gazette*, etc.

I think it is the duty of the Official Receiver to have evidence of this before him, and as the first meeting of creditors called takes place usually at the office of the Official Receiver, and at such meeting the Official Receiver or his nominee shall be the chairman, he undoubtedly should have evidence produced in reference to the above.

If the custodian has not performed his duty, the Official Receiver is given power, under Rule 86 (c), to remove the custodian for just cause, and if the

Official Receiver or his nominee at the meeting finds that the custodian has not given notices required and caused the publication to be made, then I think he would be justified in having the custodian removed and a new one appointed.

It appears to me that the publication in the *Gazette* and in a newspaper, and the giving of notices by the custodian who is appointed by the Official Receiver are conditions precedent to the holding of the first meeting of the creditors.

RE MINUTES

In connection with the taking of minutes, full minutes should be kept in the book for that purpose, section 42 (8), and if the meeting of creditors is not held at the office of the Official Receiver and is presided over by a chairman appointed by the Official Receiver to act under the provisions of section 42 (5), certified copies of these minutes are filed with the Official Receiver.

I do not think that it means full certified copies of the minutes of the meeting should be forwarded to the Court, as the report covers the many subjects dealt with at the meeting, but if anything occurs or takes place at the meeting in addition, which is important and dealing with other matters than set out in the report and which the Court should have before it, these minutes should be copied and forwarded with the report, and I think a fee of 15 cents per folio of 100 words for this service might be justified.

RE OFFICIAL RECEIVERS

Some official receivers are not clear as to their duties in connection with forwarding papers in bankruptcy matters to the Registrar in Bankruptcy at Osgoode Hall.

It is not necessary for the official receiver to forward the bond given by the trustee, but all original documents and papers in connection with bankruptcy matters should be forwarded immediately to the Registrar, as soon as the trustee is appointed and the trustee's bond is filed, as provided for by section 10. There should accompany the return a report, draft form of which is hereto attached.

THE BANKRUPTCY ACT

IN THE MATTER of the Authorized Assignment (or) Bankruptcy of.....
of the.....of.....in the County of..... Debtor:

REPORT OF OFFICIAL RECEIVER

(Strike out sections not applicable.)

I, of the of
Official Receiver, Bankruptcy Division No., in the District of Ontario, transmit herewith:

(1) The Authorized Assignment by the above-named debtor with the name of the Trustee inserted therein (or as the case may be) a certified copy of the Receiving Order with the certificate of appointment of as Trustee endorsed thereon.

(2) One duplicate of each of the statements of affairs, Form 51a, 52, and Questionnaire, Form 49, and (where applicable) minutes of first meeting of creditors, to the Registrar in Bankruptcy, at Osgoode Hall, Toronto, to be deposited in Court as required by section 10 of *The Bankruptcy Act*.

I further report to the said Court the proceedings had and taken by me as Official Receiver, as follows:

Date of each proceeding taken or filing of document, to be stated.

(1) The above assignment, dated the day of

192..., and statement of affairs, Form 51a or Form 52, in duplicate, accepted and fyled (or as the case may be) a certified copy of the Receiving Order, received and fyled.

(2) The nomination of.....one of the most interested creditors of the debtor, for the appointment of.....as Custodian, fyled.

(3) Certificate of appointment of Custodian, Form 18a, appointing.....to be Custodian, issued, and the bond of the Custodian as stated therein fixed at \$.....and (if meeting of creditors is not held at Official Receiver's Office).....appointed Chairman of first meeting of creditors, to be held at the Office of.....at.....

(4) A bond of.....the Custodian as principal, and the.....as surety, in the sum of \$.....received, approved and fyled.

(5) Questionnaire, Form 49, in duplicate, received, examined and fyled.

(6) Statement of Affairs, Form 52, in duplicate, received, examined and fyled.

(7) Affidavit of.....proving mailing of notice to creditors, with blank form of proxy attached thereto, and publication of notice to creditors in the *Canada Gazette*, and a paper published in the.....of....., fyled.

(8) First meeting of creditors held on the.....day of.....192..., at the office of.....on the.....day of.....192..., the time and place fixed for holding the said meeting, at which meeting.....was duly elected trustee; or

(9) (Where the first meeting of creditors is not held at the Official Receiver's Office and is presided over by a Chairman appointed by the Official Receiver to act as such pursuant to section 42 (5)) a true copy of the minutes of the first meeting of creditors, certified by.....the chairman thereof, duly appointed by the Official Receiver, showing.....to have been duly elected trustee, fyled.

(10) The Inspectors elected at the said meeting or (as appears by the said minutes) were:

(1).....of the.....of.....representing.....

(2).....of the.....of.....representing.....

(3).....of the.....of.....representing.....

(11) The bond of the trustee was fixed at \$....., and one copy each of the Statement of Affairs (No. 52) and Questionnaire (No. 49) were delivered to the Trustee.

(12) The Trustee bond made by.....as principal, and.....as surety, in the sum of \$.....received, approved and fyled.

(13) (Orders made or other special proceedings to be inserted here briefly in detail.) Dated at.....this.....day of.....192...

OFFICIAL RECEIVER,
Bankruptcy Division No....

LOCAL MASTERS, S.C.O.

RE STAMPS ON PAPERS

Dear Sir:

In making my inspections I find that there is apparently amongst Local Masters, S.C.O., a different system being used in affixing and placing law stamps on papers and proceedings in the office of the Local Master, and for the purpose of making the practice as nearly uniform as possible, the following outline is given which the respective Local Masters are asked to follow as far as possible.

In setting out my views herein I would first point out the provisions of sections 6, 7 and 8 of chapter 25, R.S.O. 1914, of *The Law Stamp Act* as amended by 16 Geo. V, Cap. 21, 1926 Statutes.

Section 6.—No paper or proceeding upon which a fee is payable to the Crown shall be issued, received or acted upon by any court, or by any officer of any court, until a stamp for the amount of such fee has been affixed to the same.

Section 7.—No judge or officer of the court shall allow any action or step to be taken upon any document not duly stamped although no exception is taken thereto by any of the parties.

Section 8.—In cases in which a fee is payable but a document is not required the stamp shall be affixed to a memorandum retained by the officer.

It is, therefore, of the utmost importance to see that the proper stamps are affixed to the proper papers. Since the coming into force of *The County Judges Act, 1919*, only those who are not Senior Judges and who are not referred to in subsection 1 and 2 of section 5 of that Act may take fees.

The others must collect the fees in law stamps and affix them to the papers. Stamps, therefore, should be attached to the particular paper in respect of which they are payable; e.g., \$1.50 for settling report, plus 20 cents per folio for drafting, plus 10 cents for filing, are affixed to the draft report when settled and it is retained by the Master and filed.

A \$2 stamp on report plus 10 cents per folio for engrossing should be affixed to the engrossed report and this is delivered to the parties.

Stamps payable for oaths, time spent on reference, etc., and which are not in respect of any particular papers, must be attached to a memorandum and filed with the papers. See Cap. 21, 1926 Ontario Statutes, 16 Geo. V, section 5 (8) as quoted on the first page of this letter.

Schedule of fees is as follows:

I.—STAMPS TO BE ATTACHED TO PAPERS

APPOINTMENTS—	
Given by warrant, each.....	\$.50
REPORTS—	
Drawing report, per folio.....	.20
Settling, per hour or part of hour.....	1.50
Fyling (to be affixed to draft report and fyled).....	.10
Fees on report.....	2.00
Engrossing, per folio (to be affixed to the engrossed report which is delivered to the parties).....	.10
ORDERS—	
Each.....	1.00
CERTIFICATES—	
If for three folios.....	.50
For each additional folio.....	.20
Fyling.....	.10
SEARCHES—	
If by praecipe where action is less than two years old.....	.10
Where more than two years old.....	.30
COPIES—	
Making and certifying same, per folio.....	.10

II.—STAMPS ATTACHED TO MEMO. AND FYLED WITH PAPERS

APPOINTMENTS—	
If given verbally.....	.50
REFERENCE—	
For each hour or part of hour, including applications for enlargements.....	1.50
OATHS—	
Each.....	.20
No charge for making exhibits.	
SEARCHES—	
Not made by praecipe and no paper fyled for same when action less than two years old.....	.10
When action more than two years old.....	.30
RETURNS—	
Making up and forwarding paper.....	.50

Local Masters should, therefore, see that the proper stamps are on the proper papers and that every stamp, for which there is no paper, is attached to the memorandum or stamp voucher, and they should be set out in their Master's Book their fees charged with a memo after each fee; e.g.

Appointment, 50 cents—stamp attached to paper.

Reference, 2 hours, \$3.00—stamp attached to memo. or stamp voucher as case may be.

The papers and stamp voucher or memorandum on which stamps are placed should be kept together and fyled.

Yours truly,

I. A. HUMPHRIES.

LOCAL REGISTRARS, S.C.O.—COUNTY COURT CLERKS

RE JURY FEES

Section 96 of *The Jurors Act*, chapter 64, R.S.O. 1914, provides that with every record entered for trial there shall be paid \$3 in the Supreme Court and \$1.50 in the County Court, and the same shall be forthwith paid over to the Treasurer of the County. If in the district, of course the jury fees will be paid to the Provincial Treasurer.

This is done when the record is entered for trial and these fees are paid at the place where the record was entered.

There is no provision for any further payment in case the action has been transferred from one county to another.

STENOGRAPHER'S FEES MAKING COPIES OF JUDGE'S ORDERS

What authority has a court stenographer in making copies of a Judge's order in County Court matters in Chambers to collect fees for his own use?

If for formal orders which have been signed by the Judge and entered in the County Court Order Book, my opinion is that if any copies are required the same would be made by the Clerk of the County Court who would be entitled to the fees for the same.

If it is the Judge's judgment or reasons for judgment, and if the reasons are dictated to the stenographer at the close of the hearing, I think it is quite clear that the same form part of the notes of evidence and the stenographer is entitled to the fees.

If the Judge prepares his reasons for the judgment subsequent to the hearing, he either writes these out in long hand himself, or, as happens in the majority of cases, dictates them to the stenographer.

The general acceptance of the rights in this matter has been that the right to make copies of such reasons belongs to the Judge himself.

The almost universal practice, as I know it, throughout the Province is that the Judge authorizes the stenographer to make copies of such judgments and collect any fees there are in it. The reason for this is obvious, as, if he dictates the reasons to the stenographer, it is only fair that he should receive the perquisites of the office for making the copies; and even if the Judge writes the reasons out in long hand.

I am aware that in every county the stenographer does work for the County Judge which he is not strictly bound to do under appointment as shorthand writer for the courts, and it seems only reasonable that the Judge should allow the stenographer to receive any compensation there may be by way of making copies of the reasons.

RE JUDGE'S FEES DOWER ACT

Section 14 (6) R.S.O. 1914, chapter 70, provides that on every application for an order barring dower, the Judge is entitled to his own use a fee of \$5.

Section 5 of *The County Judges Act, 1919*, provides for an annual allowance payable to the Judge, and by the provisions of subsection 3 of that section, the said annual allowance shall be in lieu of all fees and allowances payable to a Judge of a County or District Court for any services performed by him under any Act of the legislature, and where such fees are payable by the parties to any proceeding before the Judge or upon any order or certificate made or given by

him, they shall hereafter be payable in law stamps and shall form part of the Consolidated Revenue Fund except as hereinafter provided, and the Judge of a County or District Court shall not be entitled to receive any fees whatever under any Act of the legislature.

Therefore law stamps in dower applications where orders are made must be cancelled for the fees and the stamps affixed to a stamp voucher and filed with the papers.

RE TRANSFER OF ACTIONS

I know of no provision ever made in the Tariff in connection with the transfer of actions from the Division Court to the District Court, or District Court to the Supreme Court.

I would refer you to pages 1312 and 1313 of Mr. Holmsted's *Judicature Act*, 4th edition, 1915. It is stated there that when the papers and proceedings so transferred are received at the proper office of the Supreme Court the action shall *ipso facto* be transferred to the Supreme Court.

You might also look at section 2 of chapter 32, 1920 Statutes which is an amendment to *The County Courts Act*.

Section 24 of *The County Courts Act* also states that when the transfer is made the matter will proceed thereafter as if it had commenced in the court to which it had been so transferred.

Once the action has been transferred it would appear to me that any fee chargeable would be in the tariff of whichever court to which the same had been transferred.

RE SPECIALLY ENDORSED WRITS

I think it is the duty of the officer to see that a writ of summons when presented to be issued, if a specially endorsed writ, purports to be one that can be issued as a specially endorsed writ within the meaning of Rule 33.

It is not the duty, however, of the officer to determine or decide whether such writ is in fact a proper specially endorsed one. It is for a Judge to determine upon any motion that might be made to have the same set aside as being irregular.

If, therefore, an officer is satisfied that such writ substantially complies with the rules, he should accept and issue same, and if default is made in appearance and all necessary proofs are adduced, it seems to me to be the duty of the officer to sign judgment.

The issue of any writ is the act of the party and not of the court and is not what might be called a judicial act.

Under the rules, claims properly the subject of a special endorsement may be combined with others which are not, and in default of appearance final judgment may be signed for the former and the action may be proceeded with as to the other claims.

The present rules override a number of decisions settling the former practice. The result of this Rule 37 has been held to be that where a judgment is signed for default of appearance on a specially endorsed writ for more than is properly the subject of a special endorsement, the judgment is not absolutely null and void as formerly but is merely irregular. See *George v. Green*, 13 O.L.R. 189; 14 O.L.R. 578; and 42 S.C.R. 219.

It may be observed, however, that the rule merely authorizes a final judgment for, "any sum not exceeding the amount for which the writ is so specially endorsed," and a final judgment for any sum which is not properly the subject of special endorsement is clearly unwarranted by the Rules.

In summing up let me say that it does not seem at all necessary that the officer should be called upon to decide the question as to whether a writ presented to be issued is a specially endorsed one or not. To warrant an officer finding this would be arriving at a legal decision and would involve the consideration and decision of a legal fact by the officer.

RE FURNISHING COPIES OF EXAMINATION OF JUDGMENT DEBTORS

I can find nothing which warrants a local registrar to furnish a copy of examination of a judgment debtor to any person other than a solicitor engaged therein or the party examined.

Rule 580, covering the examination of a judgment debtor, limits the examination to a judgment creditor who may without an order examine a judgment debtor before a proper officer of the court.

If an outside solicitor or any other party wished a copy of the examination I would refuse to give him a copy and advise him that he could, if he wished, examine under Rule 580.

RE DISCHARGES OF CHATTEL MORTGAGES

A discharge of a chattel mortgage is a creature of the statutes and the statutory form must be filed and execution must be proved by the affidavit of the witness.

If such a mortgage is executed by a corporation it is the duty of the officer receiving the same for filing to see that the same purports to be signed and executed by the corporation and that the corporate seal is affixed, and also that there is an affidavit attached which purports to be an affidavit of execution.

There is no provision in the statute for registering a partial discharge of chattel mortgage. The only provision is found in section 66. It is only in cases where corporations are mortgagees that care should be taken to see that the provisions of section 12 are complied with.

RE STYLE OF WRIT WHERE NAME CHANGED

If the name of the defendant has been changed, say by marriage, the praecipe asking for the writ of *fi fa* should be made out using the style of cause as it exists upon the record.

The *fi fa* should also be issued using the style of cause as it exists upon the record.

When the sheriff receives the writ to be executed he no doubt receives reasons from the solicitor who wishes to enforce it why the party has changed her name, giving the sheriff the proper name and also instructions to proceed with the seizure.

AMENDING PLEADINGS WHEN ACTION STAYED. NEW RECORDS NECESSARY UNDER RULE 132

Pleadings may be amended by written alterations in the copies filed and served, and by additions on paper to be interleaved therewith, if necessary, unless the amendments are so numerous or of such a nature that making them in the copies filed and served would render the same difficult or inconvenient to read, in either of which cases the amendment shall be made by delivering a reprint or fresh copy of the pleadings as amended.

Pleadings being amended institutes a new record which should be passed and certified and the proper fee should be collected for each such record.

RE FEES FOR ENTERING FOR TRIAL WHEN ACTION STAYED

When action is stayed and later pleadings are amended and new records are passed, under Rule 252, where an action has once been entered for trial it shall not be heard at any subsequent sittings unless a fresh notice of trial is given and the action set down. No fees shall be payable for such setting down, but the praecipe should bear a ten cent stamp.

RE SIGNING OF JUDGMENTS BY PLAINTIFF IN PERSONAL CAPACITY AGAINST HIMSELF AS ADMINISTRATOR

In cases where applications are made to sign judgment in an action where the plaintiff acts in his personal capacity against himself as administrator of an estate, I think possibly as a matter of law that it might not be done, but I do not see that the plaintiff would be any further ahead when he has his judgment against himself as administrator, nor can I see that any harm can come by signing the judgment, but I do think there should be no costs of the action allowed.

Officers sometimes have a good deal of difficulty in deciding as to whether to refuse the person the right to take proceedings or action in his office or not, and it appears to me that when there is a question of doubt, the proceedings, possibly, should be allowed to be taken; and then if it is wrong, on application it could be set aside.

NO PROVISION FOR PARTIAL DISCHARGE OF CHATTEL MORTGAGE

I can find no provision in the statutes for the filing or registration of a partial discharge of a chattel mortgage.

RE EXECUTION BY A CORPORATION OF A DISCHARGE OF A CHATTEL MORTGAGE

If a corporation signs the discharge the county or district clerk must satisfy himself that the same purports to be signed by the corporation and there should be a seal affixed thereto and also an affidavit of execution.

Of course, if a chattel mortgage is taken by a corporate company the provisions of the Act would apply and the affidavit of bona fides when taken by an agent or officer of the company should be accompanied by the authority as set out in the Act, and the clerk should see that section 12 of the Act is complied with.

RE DUTY OF COUNTY COURT CLERKS RE REGISTRATION OF CHATTEL MORTGAGES, ASSIGNMENT OF BOOK DEBTS, ETC.

Just what is the duty cast upon a County Clerk in reference to registration of chattel mortgages, assignments of book debts, etc., is a question that has caused me some difficulty in arriving at any conclusion. I have dealt with this question as follows:

It is not the duty of the officer to judge as to legality or sufficiency of any document presented to be filed or registered.

It is the duty, however, of the officer to satisfy himself before registration that the document presented purports to be a chattel mortgage or assignment

of book debts, as the case may be, within the meaning of the statutes covering chattel mortgages and assignments of book debts.

The officer must satisfy himself, for example, that the chattel mortgage presented does, in fact, purport to be executed by the mortgagor, that such instrument is accompanied by what purports to be an affidavit of execution, and also is accompanied by what purports to be an affidavit of bona fides.

If such instrument does not purport to measure up to the statutory requirements, then such an instrument is not a chattel mortgage within the meaning of the Act and the Clerk would be registering an instrument which he has no authority to register.

In the case of an assignment of book debts that is presented for registration, it is the duty of the officer to see that such assignment purports to be executed by the assignor and is accompanied by what purports to be an affidavit of execution and bona fides.

Likewise, if a discharge of an assignment of book debts is presented for registration, while there is no duty cast upon the officer to judge as to the legality and sufficiency of any such discharge, then he must satisfy himself that the discharge in fact complies with the Act and purports to be signed by the assignee and that there is an affidavit of a subscribing witness which purports to verify the due execution of the instrument.

This being the case, therefore, it is for the clerk to satisfy himself as to whether the discharge of the assignment of book debts presented for registration purports to be signed by the assignee, and the assignee being a body corporate, it appears to me that the first thing an officer would look at when a chattel mortgage, assignment of book debts or a discharge is presented would be to see that in cases where the same has been executed by a body corporate that the corporate seal is affixed.

If the seal is absent, there being no express statutory provision that such document may be executed without the seal, I do not think it could be held that such document purports to be signed by the assignee.

I may say that the number of discharges of assignments of book debts, I find, is exceedingly small throughout the Province.

Of course, this only expresses my opinion and sets out the directions that I have given to the clerks in reference to their duties *re* chattel mortgages and assignments of book debts, and my opinion, of course, has not the force of a decision which could only be obtained by way of mandamus.

RE DISCHARGE OF ASSIGNMENT OF BOOK DEBTS

The statutory provision is that the certificate of discharge of an assignment of book debts is to be signed by the assignee. Where the assignee is a bank, then in the absence of any express statutory provision in the Act authorizing an agent or branch manager to sign such a discharge without the corporate seal, in my opinion such discharge so executed by an agent or branch manager does not come within the meaning of the statute and has not been signed by the assignee.

The bank is a body corporate exercising its functions by the hand of its officers and its corporate seal.

RE ALTERATIONS IN PLEADINGS

Rule 132 provides how alterations are to be made in pleadings, namely, by written alterations in the copies filed and served and by additions on paper

to be interleaved therewith if necessary; unless the amendments are so numerous or of such a nature that making them in the copies filed and served would render the same difficult or inconvenient to read; in either of which cases the amendment shall be made by delivering a re-print or fresh copy of the pleadings as amended.

The pleadings being amended, according to this rule, there would necessarily be required a new record of the passing and the certifying of the same in each case, and this would, of course, mean the payment of the proper fees for the record, which are \$1 and \$1 law stamp would be required to be attached to each record.

In regard to the notice of trial, see Rule 252, a fresh notice of trial must be given and the action again set down, but there will be no fee payable for such setting down.

LOCAL-REGISTRARS AND OFFICERS TAKING AFFIDAVITS

The 1927 amendment to section 117 of *The Judicature Act* is as follows:

"Every officer of the Supreme Court shall, for the purposes of any proceeding before him, have power to administer oaths and to examine parties and witnesses."

There would, therefore, be no provision for the taking of ordinary affidavits in the Supreme Court.

Section 4 of chapter 77, R.S.O. 1914, being *The Commissioners for Taking Affidavits Act*, is as follows:

"The judges and clerks of the County and District Courts may take all affidavits required to be taken in their respective courts."

Officers should be conversant with the fact that the affidavits may be sworn in Ontario before commissioners appointed under *The Commissioners for Taking Affidavits Act* or before a Notary Public appointed under *The Notaries Act*. Affidavits sworn before the solicitor or partner or managing clerk or agent of the solicitor of the party on whose behalf the affidavit is filed cannot be read.

This rule does not apply to the partner of a counsel engaged in the case but not otherwise connected therewith, nor to affidavits to obtain an order for arrest. See Rule 297.

RE ENTERING OF JUDGMENTS

1. Where a county court judgment has been entered and then appealed, the judgment on the appeal or certificate is to be treated as a judgment, entered and numbered as such and a note made in the margin where the original judgment on appeal as varied has been entered.

2. County court judgments in all cases should be entered before being appealed.

3. Supreme court judgments also should be entered and upon receiving the certificate of the division court or the appeal court in connection with the same, it should be treated as a judgment and entered and a note made in the margin where the original judgment as varied is entered, and undoubtedly all judgments before being appealed should be properly entered in the books as of record in the court.

4. All judgments should be entered before any writ of Fi Fa is issued.

FEES CHARGED FOR CONCURRENT WRITS

The only fee, in my opinion, that a solicitor could take if he issued a concurrent writ is the fee of \$1 under Item No. 1, which provides for institution of action, and this item covers all cases except those of application in court or chambers up to and including search of appearance.

The clerk is only entitled to the one fee, namely \$3, under Item 1 of the County Court Tariff, and this covers all concurrent writs issued.

COUNTY COURT CLERKS, AMENDMENTS TO BE NOTED

1. *County Courts Act*, chapter 28, section 5.
2. *Assignment of Book Debts Act*, chapter 43.
3. *Conditional Sales Act*, chapter 42.
4. *Bills of Sale and Chattel Mortgages Act*, chapter 41.
5. *Children of Unmarried Parents Act*, chapter 51.
6. *Adoption of Children Act*, chapter 53.
7. *Adoption Act*, chapter 53.

LOCAL REGISTRARS, AMENDMENTS TO BE NOTED

1. *The Administration of Justice Act*, chapter 28, section 39.
2. *The Judicature Act*, chapter 55.

ENTERING OF ORDERS DISMISSING ACTIONS

Orders dismissing actions when made in chambers upon consent are in the nature of judgments and should be entered in full in order that it may be possible to certify them at any future time.

The fees, of course, are paid in stamps, \$1 for the order and 10 cents per folio additional for entering.

RE FEES TO CLERKS UNDER LANDLORD AND TENANT MATTERS

There are no provisions in *The Landlord and Tenant Act* for the fee to the Clerk of the County Court.

The only fees I can find are those prescribed and allowed under the County Court tariff in Items 11 and 12:

Fee on application.....	\$1.00
Fee on trial.....	2.00
Entering judgment including taxation of costs.....	3.00
Writ of possession.....	1.00

In connection with the entering of the judgment, it is really not a judgment, but an order, and the practice has been to charge the fee as though it were a judgment.

I also think the Clerk should attend the hearing with the County Court Record Book and keep a record or minute of the proceedings, and should have the custody of all papers, fyles and exhibits in the case, swear all witnesses and

the whole proceedings should be properly entered in the Procedure Book, and all orders and judgments copied, entered and marked, compared in the Record Books, and indexed.

I, the undersigned.....of the Supreme Court of Ontario, do hereby certify that at a sitting of the Supreme Court of Ontario held in and for the County of , beginning on the.....day of.....192..., the undermentioned prisoner having been duly convicted of the crime set opposite his name, was sentenced as hereinafter stated.

Court House,

CALENDAR OF SENTENCES

Name of Prisoner	Offence	Date of Sentence	Sentence	Judge

I. FEES FOR SEARCHES

The Bills of Sale and Chattel Mortgages Act, 1927, section 30 (d) as amended, provides:

For a general search..... 50 cents
For search as to any particular person..... 10 cents

The import of the word "search" is based upon registrations against individuals.

Nearly every search is a search made as to a particular person, in fact no other practical search can be made except to count the number of chattel mortgages, etc., registered, which certainly is not contemplated by the Act.

There are two kinds of searches against particular persons—general and particular.

The ten cent fee prescribed for a search as to any particular person applies only to limited or particular searches, where the names, dates, numbers, and particulars are furnished by the searcher.

All other searches are general, the most universal example of which being a search for all chattel mortgages, bills of sale, etc., filed against A.B., for which the fee would be 50 cents.

The above remarks also apply to the search fees set out in *The Conditional Sales Act Amendment of 1927*, except that the fee for a general search is 25 cents and not 50 cents.

II. FEES FOR FYLING CONTRACTS

It is the copy of the contract that is fyled and the amount of the contract is the total selling price. The cash payment on delivery, allowance on trade in, and balance due in deferred payments are only terms of the contract.

The fees will be based on the total selling price as set out in the contract.

III. ASSIGNMENTS OF LIEN CONTRACTS

Clause "B" of The 1927 Amendment, provides:

"For fyling each discharge or assignment and making a record thereof. \$1.00."

This warrants the fyling of an assignment and the making a record thereof and prescribes the fee.

While in my view there is nothing specific in the Act to warrant the fyling of a copy of an assignment, yet, if a party insists on registering the same I do not think the officer would be justified in refusing registration, but, in making the record, I would suggest that the word "copy" be placed after each of the entries.

There are two kinds of assignments to be dealt with:

(1) Assignments drawn as a separate instrument.

There should be no difficulty as to these.

(2) Assignments endorsed upon the contract itself.

Such an assignment does not form any part of the contract. It is a separate and distinct, subsequent transaction, as the contract itself must be a complete and enforceable document before it is negotiable by assignment or pledge.

All such assignments so endorsed, whether copies or not, must be treated as assignments drawn as separate documents.

If a party fyling a contract seeks to fyle a copy with an assignment of a copy of an assignment endorsed thereon, and does not desire the assignment registered, the officer should insist upon the deletion of the assignment so endorsed before accepting the same, because as mentioned above, the assignment is not a part of the contract.

Putting it shortly, if an assignment in any form is to be placed on fyle in the office, the same must be recorded and the fees paid.

If a contract comes by mail with an assignment or copy of an assignment endorsed thereon, and there is not time to communicate with the parties before the time for valid registration expires, the clerk should record both the contract and the assignment and notify the parties as it would never do to allow the time for valid registration to expire.

Assignments endorsed on contracts must stand in the fyles with the contracts. Give the same an "A" number; e.g., contract 150, assignment 150 A.

CERTIFICATES ON DUPLICATE CHATTEL MORTGAGES

Section 18 of *The Bills of Sale and Chattel Mortgages Act* as amended by section 7, 17 Geo. V, chapter 41, makes provision for giving to the person registering an instrument a certificate of its registration, that is, a certificate that a certain chattel mortgage of a certain date was fyled at a certain time under a certain number.

While there is no statutory duty, that I can find, to place the certificate upon a duplicate original, yet the practice is, and should be if requested, for the clerk to endorse a certificate upon a duplicate original. This certificate should read, "What purports to be a duplicate original of the within chattel mortgage was fyled on the day of at minutes past o'clock in the noon, in the office of the County of as No." The fee for such a certificate is 25 cents.

If the party objects to this form of certificate and desires to have it read that a duplicate original *was* fyled and to have the clerk certify as to the particu-

lars, then of course the clerk takes the responsibility and must carefully compare the duplicate original in every particular, with the one fyled. This means the performing of more services by the clerk, and if the parties wish such a certificate as this and were willing to pay a reasonable fee for the comparing, the clerk could give such a certificate although there is no statutory obligation upon him for the giving of such a certificate.

Of course in any case it is the duty of the clerk to see that the duplicate original purports to be a duplicate original, which he could ascertain by examining the signatures and affidavits, but which does not necessitate him comparing the whole instrument word for word with the one fyled.

SURROGATE REGISTRARS

RE INVENTORY SURROGATE COURT STOCKS IN NAME OF DECEASED

Where the title to shares of stock is in the name of a deceased person, which shares have been purchased through a broker and upon which the broker has advanced money, the shares must be included in the inventory at their actual value without any deduction of the amount loaned by the brokers.

Such stock is purchased in the name of the deceased and stands in his name, and in order to pass title to these shares they would have to be administered and there should be no deduction of the amount of the loan made by the brokers.

RE SURROGATE REGISTRARS—INSURANCE MONEYS

The insurance moneys payable direct to beneficiaries under the policy, need not be included in the Surrogate Court inventory, and are not chargeable with Surrogate fees, but should, however, be included in the Succession Duty Schedules.

RE FEES TO SURROGATE REGISTRARS ON APPLICATIONS FOR CHANGE OF EXECUTOR

Section 60 of *The Surrogate Courts Act* provides that the application may be made to the Surrogate Court providing the estate does not exceed \$1,000.

If the estate is greater than \$1,000, then of course the application would require to be made to the Judge of the Supreme Court under the provisions of section 40, chapter 121, R.S.O. 1914.

If the application is made in the Supreme Court then of course the tariff in the Supreme Court would be applicable, and law stamps would be required to be annexed to the necessary papers; e.g., the fees would be as follows:

Setting down motion.....	\$.50
Fyling.....	.10
Fee on order.....	1.00
Entering order in Supreme Court Order Book, per folio, 10 cents add'n; separate charge on each certificate, 50 cents; and if over three folios, 20 cents per folio.	
Taxation of costs.....	1.00
Comparing and certifying papers prepared by solicitor, for each three folios, 10 cents; making and certifying copies, per folio, 10 cents.	
Making up and forwarding to Surrogate Clerk and Surrogate Registrar, 50 cents for each—any other necessary and proper charges for similar matters as per Supreme Court Tariff.	

As soon as the order is completed in the Supreme Court, then this certified order is filed with the Surrogate Registrar and the fees payable in such cases, I think, would be as follows:

Fyling order.....	\$.10
Attending and entering note of order and grant in register.....	.50
Attending and entering note of order and grant in Index.....	.50
Entering order in Surrogate Court Order Book.....	.50
Every necessary letter, each.....	.25
Any certificate given re.....	.50

If the estate does not exceed \$1,000 and the application is made in the Surrogate Court, the fees, I think, should be as follows:

REGISTRAR'S FEES

Fylings, each.....	\$.10
Receiving, examining and entering.....	1.00
Every necessary letter, each.....	.25
Search of papers.....	.30
Attending on motion.....	1.00
Attending each adjournment, each.....	1.00
Entering order.....	.50
Fee on order in duplicate.....	1.00
Taxing costs and granting certificate.....	1.00
All necessary postage.....	
If any special order is drawn by the Registrar directed to be done by the Judge.....	.50
(And if exceeding three folios, 10 cents per folio on the excess.)	

JUDGE'S FEES

Special attendance granting appointment.....	\$1.00
Appointment.....	.50
Attending... hours at \$1 per hour, not to exceed \$2 in any one day.	
Order in duplicate.....	1.00

N.B.—The Judge's fees to be paid in stamps.

RE APPLICATIONS TO SURROGATE COURT MADE BY PERSONS WHO ARE NOT NEXT OF KIN AND WHERE THERE ARE NOT NEXT OF KIN IN ONTARIO

Section 38 of *The Surrogate Courts Act*, chapter 62, 1914, outlines the proof required for obtaining grant to a party who is not a next of kin to an intestate. This section provides for a copy of the order to be served or published in the manner prescribed in the Surrogate Court Rules. Rule 12 provides for notice to be given to the Attorney-General and published in such newspaper as the Judge may direct.

In cases of applications being made for letters of administration of deceased persons who have died in Ontario intestate and without leaving any known relative living in Ontario or any known relative who could be readily communicated with living elsewhere, provision is made by chapter 47, 1921 Statutes amending *The Ontario Public Trustee Act*, whereby notice of every such application shall be given to the public trustee before the issue of letters of administration to any other person, and the public trustee may, within thirty days after receipt of such notice, apply for and shall be entitled to have granted to him letters of administration to the estate of such deceased person.

The question has arisen as to whether, in all such cases of administration where the deceased died in Ontario leaving no next of kin in Ontario, the public trustee must be the applicant for letters of administration.

The provisions of chapter 47, 1921 Statutes, above set out, states that after notice the public trustee may within thirty days, etc., apply for and shall be entitled to have granted him letters of administration to the estate of such deceased person. Does "may" here mean "shall"?

Section 29 of *The Interpretation Act*, chapter 1, 1914 Statutes, states that in every Act unless the context otherwise requires, "may" shall be construed as permissive.

It would therefore appear that when the public trustee receives notice of an application being made it is discretionary with him as to whether he applies for administration or not.

Section 28 (e) of *The Interpretation Act* reads as follows:

"If a power is conferred or a duty imposed on the holder of any office as such the power may be exercised and the duty shall be performed from time to time as occasion requires."

In applying this to the section of chapter 47, above referred to, there is a power conferred upon the public trustee which is permissive, and this power may be exercised. There is no duty cast upon the public trustee to apply for such letters of administration.

The terms of *The Grant of Administrations Act*, chapter 73, 1914 Statutes, provide for grants of letters of administration upon the warrant of the Lieutenant-Governor in Council under his privy seal.

In this Act the party to whom the directions are given is the Attorney-General, but now under the provisions of section 2, chapter 32, 1919 Statutes, Ontario, *Public Trustees Act*, the words, "public trustee" are substituted for the words, "Attorney-General," wherever the same occur in that Act.

Section 17 of *The Public Trustees Act* provides that the Lieutenant-Governor may make regulations respecting the office of the public trustee and prescribe the trusts or duties he is authorized to accept or undertake, etc.

In the absence of any express directions given by the regulations, my opinion is that there is no duty cast upon the public trustee to take out letters of administration of such an estate. He may do so if he wishes.

SURROGATE REGISTRARS FEES IN CASES OF CAVEATS

A case came before me in which papers were filed for probate. A caveat was also filed on behalf of certain heirs of the testator and the will was attacked on the ground of want of testamentary capacity and fraud, and the matter became a contentious one in which a trial took place after the necessary orders were made and final judgment was given.

In my opinion the following fees would be proper to charge in this matter or matters of like nature:

1.—REGISTRAR'S FEES

Item	
33	Receiving, entering and fyling..... \$.50
18	Search of papers..... .30
16	Order for directions..... .50
31	Entering same..... .50
26	Fyling same..... .10
16	Order as to procedure..... .50
31	Entering same..... .50
26	Fyling..... .10
16	Order fixing procedure..... .50
31	Entering same..... .50
26	Fyling..... .10
16	Citation order..... .50
31	Entering same..... .50
26	Fyling..... .10
26	Fyling St. claim..... .10
26	Fyling St. defence..... .10
16	Order to produce witnesses..... .50
31	Entering same..... .50
26	Fyling..... .10

16	Order fixing trial.....	.50
31	Entering same.....	.50
26	Fyling.....	.10
26	Fyling affidavit on production.....	.10
29	Attending trial.....	2.00
15	Administering oath, six witnesses.....	1.20
29	Attending trial.....	2.00
16	Appt. to settle judgment.....	.50
16	Final judgment.....	.50
31	Entering final judgment.....	.50
26	Fyling same.....	.10
		<hr/>
		\$14.50

If there are any additional fyling made, 10 cents for each.

If any examinations held, the same fees as in County Court.

If any taxation of costs and certificate, a fee of \$1.

2.—JUDGE'S FEES

Paid in Law Stamps

Attending on order for directions.....	\$1.00
Order for.....	.50
Attending on procedure order.....	1.00
Order for.....	.50
Attending on order fixing procedure.....	1.00
Order for.....	.50
Attending on citation order.....	1.00
Order for.....	.50
Attending on order to produce witnesses.....	1.00
Order for.....	.50
Attending order fixing trial.....	1.00
Order for.....	.50
Two days' sitting (same as on audits, varying according to the amount of the estate and the hours engaged. I do not know the amount of this estate but assuming it is over \$1,000 but under \$10,000, the fees would be \$1 per hour but not to exceed \$5 on any one day. If over \$10,000, \$2 per hour but not exceeding \$10; two days, under \$10,000, and sitting over five hours, fee.....	10.00
Final order and judgment.....	.50
Attending on final judgment.....	1.00
	<hr/>
	\$20.50

These fees to the Judge are set out in Schedule B of *The Surrogate Courts Act*.⁷⁷ If any appointment were given by the Judge other than mentioned in the Bill, there should be a \$1.50 law stamp attached. Fifty cents for the appointment and \$1 for attendance.

3.—CROWN FEES

On Proceedings in Office of Registrar

Entry and notification of caveat (not including postage).....	\$.50
On final judgment.....	1.00
(For seal attached if done).....	.50
<i>On Proceedings in Office of Surrogate Clerk</i>	
On entry of caveat.....	.50
	<hr/>
	\$2.50

If the seal of the Court be attached to any instrument in the procedure there must be a 50 cent law stamp attached to each such instrument in addition to any other stamps.

RE SURROGATE JUDGES' FEES UNDER SECTION 73

By Order in Council dated May 9th, 1914, the proportion of the fees under subsection 5 has been set at one-quarter for the Judge and three-quarters for the Registrar.

SURROGATE REGISTRARS—AMENDMENTS TO BE NOTED

Surrogate Courts Act, chapter 31. Important amendments made:

1. Provisions allowing notarial wills made in Quebec to be admitted to probate in Ontario without the production of the original will, by filing a notarial copy, repealed, section 3.
2. Fees are now to be collected on increased valuation of estates, section 4.
3. Summary determination of dispute between personal representative and other parties as to ownership of property not exceeding \$800, section 5.
4. Fees in cases when the claim is within the jurisdiction of the division court, section 6.
5. Permission is provided for enforcement of judgment, section 6 (2).
6. Jurisdiction to the Judge on passing accounts to allow for past maintenance of infants, repealed, section 7.
7. Judge's fees on audits increased in estates that exceed \$1,000 and are under \$5,000. Judge's fees now \$2 per hour and not to exceed \$10 on any one day, section 12.
8. Important amendment in regard to resealing a limited grant to personal estate unless the will has been duly proved to have been executed in manner and form sufficient to pass real estate in Ontario, section 8.
9. *The Infants Act*, chapter 50. Sections dealing with the appointment of guardians, section 17 and on.

RE LAW STAMPS

Section 14 of *The Law Stamps Act* dealing with dimensions and scale of fees in numerals of ten has been repealed by section 5 (2), chapter 21, 1926 Statutes.

Law stamps, therefore, need not be in even multiples of ten.

RESEALING OF PROBATES AND LETTERS OF ADMINISTRATION

Section 74 of *The Surrogate Courts Act* deals with resealing. The following points should be carefully noted by Surrogate Registrars and strictly followed:

1. Resealing is only permitted when the probate or letters of administration are produced and a copy deposited with the registrar.
2. Resealing is limited in its operation to grants issued in the United Kingdom, any province or territory of the Dominion or any other British possession.
3. Resealing must be made under the direction of the Judge.
4. Section 74 (1) as amended by section 8, 17 Geo. V, chapter 31, provides that while the resealed probate will be operative as a domestic probate so far as personal estate is concerned, it will not be operative as to real property unless it is shown before the Judge and the Judge so certifies when resealing that the will was executed in manner and form sufficient to pass real estate in Ontario. *Make sure, therefore, that this proof has been adduced, otherwise limit the grant to personal property.*
5. All such applications are to be treated as a new application to the Court and the papers required would be the petition affidavit, inventory of real and personal property within Ontario, affidavit of publication in *Gazette* (three issues), succession duty affidavits in duplicate, probate or letters of administration and copies; and if a will in which it is desired to have the grant extended to real estate, proper affidavits proving that the will has been executed in manner and form sufficient to pass real estate in Ontario.

6. The Master of Titles and Local Masters of Titles are particularly interested in transmissions based upon resealed grants and must be satisfied, before entering the executors and devisees or any subsequent dealing of theirs with the land in the registers, that the will was executed in manner and form sufficient to pass real estate in Ontario. For this reason Surrogate Registrars are asked to be extremely careful in resealing matters to make sure that this proof is adduced; otherwise limit the grant to personal estate.

I. Ancillary grants from the United Kingdom, any province or territory of the Dominion or any British possession.

(a) Notwithstanding that section 74 is in the headlines, "Ancillary Papers and Letters of Administration," this section relates only and is limited in its operation to applications for resealing.

If an exemplification is received from any of these courts, as set out in section 74, it is not resealed but a new grant (and ancillary) is issued.

- (b) Treat this application as an application under section 36.
- (c) The papers required are those similar to the papers on resealing.
- (d) If a will and it is desired to grant real estate, there must be proof that such will was executed in manner and form sufficient to pass real estate in Ontario; otherwise limit the grant to personal estate.

II. Foreign Probates and Letters of Administration.

- (a) These matters come under section 36 and are treated as an application.
- (b) Rule 13 must be strictly followed. This rule is as follows:

"13.—(1) Upon an application for probate or for letters of administration with the will annexed where probate or administration with the will annexed has been granted by a court of any foreign country, if the probate or letters of administration have been granted by the court of the country in which the deceased was domiciled and the estate in Ontario consists of personalty only, ancillary letters shall issue upon proof that the foreign executor or administrator is by law of the domicile entitled to receive such personal estate, and upon fying an inventory as required by section 58 of *The Surrogate Courts Act*.
(2) Where there is real estate in Ontario it shall be shown that the will was executed in manner and form sufficient to pass real estate in Ontario.
(3) An exemplification of the foreign probate or letters of administration with the will annexed shall be fyled, and the production of the original will shall not be necessary."

III. Security must be given. See sections 23 and 62 of *The Surrogate Courts Act* and also Rule 14.

The court must be extremely careful in the form of grant issued. Make sure of proof of domicile and also strict proof that the will was executed in manner and form sufficient to pass real estate in Ontario; otherwise limit the grant to personal estate.

FORMS ANCILLARY GRANTS
PETITION

IN THE SURROGATE COURT OF THE COUNTY OF.....
IN THE ESTATE OF.....late of the.....of.....in
the.....of.....and.....of.....one of
the....., deceased.
THE PETITION OF.....of the said.....of.....

Gentleman, SHEWETH:

1. THAT.....late of the.....of.....in the
.....of.....and.....of.....,
deceased, died on or about the.....day of.....19...., at.....,
in the.....of....., and that the said deceased at the time of his
death had no fixed place of abode within the Province of Ontario and was then domiciled at
the.....of.....aforesaid but died leaving property within the
.....of.....in the said Province of Ontario to be administered.

2. THAT the deceased in his lifetime duly made and executed his last Will and Testament
bearing the date the.....day of....., A.D. 19...., and a codicil thereto
bearing date the.....day of....., 19...., and in the said Will named
your petitioner.....as sole executor thereof and that the said Will and Codicil
were proved by and Letters Testamentary of the said Will and Codicil thereto were granted to
your Petitioner in and by the Probate Court within and for the.....of.....
in the said.....of.....on the.....th day of.....
....., A.D. 19....

3. THAT your Petitioner is the lawful son of the said deceased (or as the case may be).

4. THAT the value of the whole property of the said deceased which he in any way died
possessed of or entitled to situate within the Province of Ontario is the sum of.....
(figures).....consisting of.....(figures).....realty and no personalty, full
particulars of which are shown in the inventory and appraisal exhibited herewith and identified
by my signature.

5. THAT notice of your Petitioner's application for Ancillary Letters Probate of the said
Will in respect of the said property in Ontario of the said deceased has been duly published in
The Ontario Gazette.

Wherefore your Petitioner PRAYS that Ancillary Letters Probate of the said Will and Codicil
thereto limited to the said property may be granted to him by this Honourable Court.

Dated at.....this.....day of.....A.D. 19....
By his Solicitors.

AFFIDAVIT

IN THE SURROGATE COURT OF THE.....OF.....

IN THE ESTATE OF.....late of the.....of.....in the
County of.....and.....of.....one of the.....
....., deceased.

I,of the said.....of....., Gentleman
make oath and say:

1. THAT I am of the full age of twenty-one years and that my place of residence and occupa-
tion are above correctly set out.

2. THAT the Instrument now produced and shown to me and marked as Exhibit "A" to this
my Affidavit is to the best of my knowledge and belief an exemplification of the Probate and
Letters Testamentary of the last Will and Testament and the only Codicil thereto of the above-
named....., deceased, granted to me, the lawful son of the said deceased, by

the Probate Court within and for the of in the said
 of at the said of
 being the proper Court in that behalf, on the day of, A.D.
 19...., and that that part of said Exemplification purporting to be a copy of the said Will and
 Codicil thereto is to the best of my knowledge and belief a true and correct copy of the said last
 Will and Testament and Codicil thereto of the said deceased.

3. THAT I am the sole Executor named in the said Will in the said Letters Testamentary.

4. THAT the said deceased died on or about the day of
 A.D. 19...., at in the of one of the
 of and the said deceased at the time of his death
 had no fixed place of abode within the Province of Ontario in the Dominion of Canada, and
 then resided and was domiciled in the said City of but died leaving property
 in the of within the said Province of Ontario to be
 administered.

5. THAT the value of the whole property of the said deceased of which he in any way died
 possessed of or entitled to situate within the said Province of Ontario is the sum of
 (figures) consisting of (figures) DOLLARS realty and no
 personalty, full particulars of which are shown in the inventories and appraisement exhibited
 herewith and identified by my signature.

6. THAT I do solemnly and sincerely promise and swear that I will faithfully administer the
 said property of the said Testator by paying his just debts and the legacies contained in his Will
 and Codicil so far as the same will thereunto extend and the law bind me, and by distributing
 the residue, if any, of the said property according to law; and that I will exhibit under oath a
 true and perfect inventory of all and singular the property of the said Testator and render a just
 and full account of my Executorship when lawfully required.

SWORN before me at the City of }
 in the State of } "....."
 this day of, A.D. 19... }
 "A NOTARY PUBLIC"

FORM EXEMPLIFICATION

STATE OF }
 COUNTY OF }

IN THE PROBATE COURT WITHIN AND FOR THE COUNTY OF.....

BE IT KNOWN that upon search being this day made in the Probate Court within and for
 the County of in the of one of the
 of which is a Court of Law and of Record having
 its proper seal, it appears and is found that there now remains of record in the said Probate
 Court a certain record of the last Will and Testament and Codicil thereto of
 late of the of in the said, Capitalist,
 deceased, which said will and codicil thereto, a true copy whereof is hereunder written, bear date
 the day of, 19...., and day of
 19...., respectively and remain on file in the said Court pursuant to the laws of the said State

and further that there remains upon the records and fyles of the said Probate Court the petition to the said Court of.....of the said City of....., (a lawful son of the said deceased, or as the case may be) for admission of the said will and codicil to probate and the grant and issue of Letters Testamentary thereof to him as the Executor thereof and the oaths, affidavits, papers, proofs and proceedings and the testimony of witnesses as taken and fyled in and as required by the said Court in the matter of the said Will and Codicil thereto in support of and at the hearing of the said Petition to lead the said Grant and for the purpose of proving the said Will and Codicil thereto and obtaining admission thereof to Probate an order of the said Court therefor and the findings of the said Court and a record of all the same and of the said Letters Testamentary granted and issued by the said Court.

AND BE IT FURTHER KNOWN that the said last Will and Testament and Codicil thereto of the said....., deceased, who died at the.....of..... in the.....of....., one of the.....of..... on the.....day of....., 19...., and at the time of his death had his fixed place of abode at.....aforesaid and was domiciled in the said County of..... was proved in the said Probate Court by the said....., the Executor therein named and was duly admitted to Probate as the last Will and Testament and Codicil thereto of the said....., deceased, duly executed and proved according to and in conformity with the laws and usages of the said State and County and as required by the said laws in and by the said Court at.....aforesaid on the.....day of....., A.D. 19...., and that the said Probate Court on the last-mentioned date duly granted and issued Letters Probate or Testamentary of the said Will and Codicil to the said.....the Executor as aforesaid and the same still remain and are now in full force and virtue and have not been cancelled or revoked and that a true, full and correct transcript and copy of the said Letters Testamentary and of the said Will and Codicil and of the proceedings, proofs, findings and orders and of the records of the said Court necessary for and relating to the aforesaid admission to Probate of the said Will and Codicil carefully compared with and as appears upon the original record and on the fyles of the said Court and the true tenor of all the same is hereunder written in the words and figures following, that is to say:

All of which are exemplified by these presents, each page of which is stamped with the seal of the said Court as identifying the same.

IN WITNESS WHEREOF I,, Clerk of the Probate Court within and for the County of....., in the.....of.....have hereunto set my hand and affixed the seal of the said Court at the.....of..... in the said.....of.....the.....day of....., 192....

.....
Clerk of the Probate Court within and
for the.....of.....

JUDGE'S CERTIFICATE

IN THE SURROGATE COURT OF THE.....OF.....

IN THE MATTER OF....., late of the.....of.....
in the.....of.....and.....of.....
one of the.....of....., Capitalist, deceased.

STATE OF.....
COUNTY OF.....
To Wit:

I,, Judge of the Probate Court within and for the.....of
.....in the.....of....., which is a Court of Record
having its proper seal, do hereby certify that I am the Judge of the said Court duly appointed,
qualified, commissioned and acting under the Laws of the said State and that the said Court
in which the last Will and Testament and Codicil thereto of.....set forth in
the Exemplification hereto annexed was proved, is a Court of Record having its proper seal and
was under the Laws of the said State at all times mentioned in said Exemplification and now is
duly constituted and existing and had and exercised at all such times and now has and exercises
general jurisdiction and authority under the said Laws throughout the territorial limits of the
said County in Probate matters and to admit Wills to Probate and grant and issue Letters Probate
or Testamentary thereof including full and complete jurisdiction and power to admit to Probate
and grant and issue Letters Probate or Testamentary of the said Will and Codicil; that the records
of the said Court and Wills proved therein are kept in the office and in the custody of the Clerk
of the said Court at the.....of.....in the said County pursuant to
the said Laws; that the Executor of the said Will and Codicil thereto is by the Laws of the said
State entitled to get in and receive the personal Estate of the said deceased as such Executor,
that the seal affixed to the said Exemplification is genuine and it is the seal of the said Court;
that.....whose genuine signature is subscribed to the said Exemplification was
at the date thereof and now is the Clerk of the said Probate Court and as such full faith and
credit are due his official acts and that the attestation of the said Exemplification by him as such
Clerk is in due form and made by the proper officer. Given under my hand and the seal of the
said Court at the.....of.....aforesaid this.....day of
....., A.D. 19....

IN THE SURROGATE COURT OF THE COUNTY OF.....

IN THE ESTATE OF....., late of the.....of.....
in the.....of.....and.....of.....
one of the.....of....., Capitalist, deceased.

AFFIDAVIT BY WITNESS OF WILL

I,, of the saidof.....make oath and say:—

1. THAT I knew....., late of the.....of....., in the.....of.....andof....., one of the.....of....., Capitalist, deceased.

2. THAT I am one of the subscribing witnesses to the execution of the last Will and Testament of the above-named....., deceased, which bears date the..... day of....., 19...., and which I am informed and believe (as appears from the exemplification hereunto annexed marked "A" to the affidavits purporting to have been made herein by....., the executor named in the said Will) is now on file in the office of the Clerk of the Probate Court within and for the County of....., in the State of.....aforesaid and in respect to which said Will I as subscribing witness appeared before the said Probate Court in the.....of.....and testified to the due execution thereof in the matter of the estate of the said deceased, mentioned in the said exemplification and then pending in the said Probate Court and the said Will was produced and exhibited to me when I so testified as aforesaid.

3. THAT on or about the.....day of....., A.D. 19...., I was personally present and did see the said last Will and Testament of the said....., deceased, executed by the Testator as the same now appears as and for his last Will and Testament by signing his name at the foot or end thereof.

4. THAT the said will was so executed by the said Testator in the presence of myself and of J.A.M.....then of the City of....., in the.....of....., Attorney at law one of the.....of..... who were both present at the same time whereupon the said.....and I did in the presence of the Testator attest and subscribe the said Will as witnesses.

5. AND the said Will was the only Will which the said deceased made in the presence of myself and the said.....as subscribing witnesses thereto and I verily believe the paper writing contained in the said exemplification and certified therein to be a true and correct copy of the said Will is a true and correct copy of the said last Will and Testament of the said deceased.

SWORN before me at the ... of..... }
.....in the of }
.....this.....day of }
....., A.D. 19.... }
"....."

A Notary Public.

IN THE SURROGATE COURT OF THE.....OF.....
IN THE ESTATE OF....., late of the.....of.....
in the.....of....., one of the.....of.....
....., Capitalist, deceased.

AFFIDAVIT OF WITNESS TO CODICIL

I,, of the.....of....., in the.....
.....of.....one of the.....of....., a.....
make oath and say:

1. THAT I knew....., late of the.....of.....
in the.....of.....and.....of.....
one of the.....of....., Capitalist, deceased.

2. THAT I am one of the subscribing witnesses to the execution of a codicil to the last Will
and Testament of the above-named....., deceased, which bears date the
.....day of....., 19...., and which I am informed and believe as
appears from the Exemplification hereunto annexed and marked "A" to the affidavits purporting
to have been made herein by.....the Executor named in the said Will is now
on fyle in the office of the Clerk of the Probate Court within and for the.....of
.....in the.....of.....aforesaid and in respect to which
said Codicil I, as subscribing witness, appeared at.....,and
testified to the due execution thereof before....., a Notary Public of.....
.....,and then acting under a commission issued by the
said Probate Court in the matter of the estate of the said deceased mentioned in the said exempli-
fication and then pending in the said Probate Court and the said Will and Codicil thereto was
produced and exhibited to me when I so testified as aforesaid.

3. THAT on or about the.....day of....., A.D. 19...., I was
personally present and did see the said Codicil to the last Will and Testament of the said
....., deceased, executed by the Testator as the same now appears as and for
a Codicil to his last Will and Testament by signing his name at

4. THAT the said codicil was executed by the said Testator in the presence of myself and
.....then of the.....of....., in the.....
of.....who were both present at the same time whereupon the said.....
.....and I did in the presence of the Testator attest and subscribe the said codicil as
witnesses.

5. AND THAT the said codicil was the only codicil which the said deceased made in the
presence of myself and the said.....as subscribing witnesses thereto and I
verily believe the paper writing contained in the said Exemplification and certified therein to be
a true and correct copy of the said codicil is a true and correct copy of the said codicil to the
last Will and Testament of the said deceased.

SWORN before me at the.....of..... }
.....in the.....of }
.....of..... }
this.....day of.....A.D.... }
"....."

A Notary Public.

PAPERS FOR RESEALING

1. *Petition*—Setting out.

- (1) The date of death of the deceased.
- (2) Place of death.
- (3) That the deceased had no fixed place of abode within the Province of Ontario.
- (4) The place of domicile of the deceased at the time of his death.
- (5) That the deceased left property situate within the Province to be administered.
- (6) That the deceased made his last will and testament giving its date and particulars and who was named therein as executor.
- (7) That said will (and codicil if any) were proved by letters testamentary (as the case may be) were granted, giving the name of the Court and date.
- (8) Who the petitioner is and his right to apply.
- (9) Set out the value of the whole property situate within the Province of Ontario, both real and personal.
- (10) Publication in *The Gazette* of the notice required to be given.

2. *Affidavit*.

(1) Set out name, address and occupation of deponent, and that he is of the full age of twenty-one.

(2) That the instrument produced and marked Exhibit "A," is to the best of the deponent's knowledge and belief an exemplification (or certified copy) of the probate and letters testamentary of the last will and testament (and codicil if any) or as the case may be, set out the Court from which granted, date of all particulars and to whom granted.

(3) That the deponent is the executor named in the said letters testamentary (or as the case may be).

(4) Date of death, place of death, that deceased had no fixed place of abode in Ontario, and place of domicile at date of death, and left property in Ontario to be administered.

(5) Value of what property in Ontario both real and personal.

(6) That deponent will faithfully administer the property, etc., as in ordinary oaths of executors.

3. *Inventory of Real Estate within Ontario.*4. *Inventory of Real and Personal Estate within Ontario.*5. *Affidavit of Publication of Advertisement in Gazette.*6. *Succession Duty affidavits showing whole estate.*7. *Probate of Letters of Administration granted by a Court in the United Kingdom, etc., as set out in section 74 or Letters of Verification issued in the Province of Quebec, as the case may be, and certified copies of the same.*8. *Affidavit proving the Execution of the Will* similar in form to the following:

I, A.B., of the.....of....., in the.....of.....make oath and say:

1. That I knew C.D., late of the.....of....., deceased.
2. That I am one of the subscribing witnesses to the execution of the last will and testament of the above-named C.D., deceased, which bears date the.....day of.....

and which I am informed and believe (as appears from the grant and copy hereunto annexed and marked "A" and produced to the Court to be resealed) is now on file in the office (here set out the proper court office where original will is filed and grant issued).

3. That on or about the.....day of.....I was personally present and did see the said last will and testament of the said C.D., deceased, a true copy of which now appears in the said certified copies produced for resealing hereunto annexed and marked "A" duly executed by the Testator as the same now appears in the said grant and copy above-mentioned, as and for his last will and testament, by signing his name, or making his mark (as the case may be) at the foot or end thereof.

4. That the said will was so executed by the said testator in the presence of myself and of E.F., of the.....of.....in the....., who were both present at the same time whereupon the said E.F. and I did in the presence of the testator attest and subscribe the said will as witnesses.

5. The said will was the only will which the said C.D. made in the presence of myself and the said E.F., as subscribing witnesses thereto, and I verily believe the paper writing contained in the said grant and copies produced for resealing to be a true and correct copy of the said last, will and testament of the said deceased.

9. *Affidavit of Plight when Required by the Rules.*

RE CANCELLATION OF SUCCESSION DUTY BONDS

The succession duty bond remains in the Surrogate Office as a record of the office, and is in the same position as any other papers filed in the office.

The authority for the retention of this bond on the files in the Surrogate Office is statutory. See section 16 of *The Surrogate Courts Act*, chapter 62, R.S.O. 1914, which section is as follows:

"The Registrar shall file and preserve all original wills of which probate or letters of administration with the will annexed are granted, and all other papers used in any matter in his court subject to such regulations as may be prescribed by the Surrogate Court Rules."

There is nothing in the Surrogate Court Rules making any regulations in respect to succession duty bonds.

There is a statutory provision giving the Judge authority to make an order to deliver up administration bonds. See chapter 44, 12 and 13 Geo. V, but no statutory provision authorizing the Judge to make an order to deliver up succession duty bonds.

The certificate that is now given by the Surrogate Registrar under his hand and the seal of the Surrogate Court should set out fully all particulars in connection with the particular bond that is being cancelled, and the production of this certificate should be sufficient for all purposes.

RE PROCEDURE TO CANCEL SUCCESSION DUTY BONDS

When the consents are received from the Solicitor to the Treasurer to cancel a succession duty bond, the same should be filed with the papers and the bond should not be cancelled until the solicitors or parties interested come in and ask for a proper cancellation.

CERTIFICATE—CANCELLATION OF SUCCESSION DUTY BOND

IN THE MATTER OF THE ESTATE OF.....
AND IN THE MATTER OF THE SUCCESSION DUTY BOND IN THE SAID ESTATE.

BE IT KNOWN that upon search being this day made in His Majesty's Surrogate Court of the County of....., it appears that on the.....day of.....19...., a succession duty bond bearing date the.....day of.....in the sum of \$.....in which.....of the.....of.....in the County of.....became surety for.....of the.....of.....in the County of.....the.....of the estate of.....late of the.....of.....in the County of.....for the due payment of succession duty now remains of record in the said Surrogate Court.

And it further appears upon search being made in the said Court that a notice from the Succession Duty Office for the Province of Ontario consenting to the cancellation of the said bond now remains of record in the said Surrogate Court, and that the said succession duty bond has been duly cancelled.

This is to certify that the said succession duty bond above set out has been duly cancelled.

In witness whereof this certificate is issued under the hand of the Registrar and the seal of this Surrogate Court on this.....day of....., 19....

L.S. 50 cents

Registrar.

SEAL OF COURT

REGISTRAR'S FEES RE CANCELLATION OF SUCCESSION DUTY BONDS FOR SERVICES PERFORMED

Search of papers.....	.30
Each letter at 25 cents each.....	
Fyling consent.....	.10
Certificate of Cancellation on Original Bond.....	.50
Certificate given to parties applying as to cancellation.....	.50
Necessary disbursements.....	
Total fees.....	\$

N.B.—In addition a 50 cent Law Stamp to be placed on each Certificate which has the seal of the Court attached thereto.

RE FEES ON AUDIT

In order that there may be uniformity in all offices, a fee sheet has been prepared which I believe is now in force in all offices in the Province. This fee sheet when completed will be attached to every audit and fyled with the papers.

Orders now being made in duplicate, the \$1 law stamp will be placed upon the duplicate order which is fyled and the remaining law stamps will be attached to the fee sheet.

Subpoenæ being issued under the seal of the Court require a 50 cent law stamp under Schedule "A" (1) of *The Surrogate Courts Act*.

The taking of evidence on an audit is rarely done. Usually any evidence taken is oral, and the taking of any evidence by a court reporter or a stenographer on an audit should only be so taken upon the direction or order of the Judge, which direction or order could be filed with the papers.

It might be difficult to hold that the necessary taking of evidence on an audit would be a proceeding in a contentious case if the point were pressed, although it might be well argued that if contention arose on the audit, the case had become contentious and therefore Tariff Item 35 would apply.

In view of this I would say that the Judge having jurisdiction as he has to make an order for such an examination and to provide therein for the costs, it might be well in all such cases that the costs of such examination be provided for in the order and fixed by analogy, and made to conform to Tariff Item 35.

Of course if a court stenographer were engaged he would also be entitled to his proper fees.

FEE SHEET ON AUDITS

ESTATE OF.....

Amount of account to be audited \$.....

Date of Audit.....

REGISTRAR'S FEES ON AUDIT

Appointment.....	\$.50
Item 26—Fylings at 10 cents each.....	
Item 27—Receiving, examining and entering petition on application for audit on passing accounts.....	.50
Item 26—Necessary letters at 25 cents each.....	
Item 18—Search of Original Papers.....	.30
Item 28—Attending on Audit.....	1.00
—Attending on every adjourned audit \$1 each.....	
Item 30—Fyling vouchers directed to be filed by the Judge or on the request of any party 10 cents each not exceeding in all \$1.....	
Item 31—Entering Order.....	.50
Item 16—Fee on order in duplicate.....	1.00
Item 32—Taxing costs and granting certificate.....	1.00
Item 38—Postages and other necessary disbursements.....	
Item 14—Drawing special order or other paper directed by Judge—50 cents, and if exceeding three folios—10 cents per folio on the excess.....	
Item 15—Administering oaths at 20 cents each.....	
Item 24—Issuing subpoenas at \$1 each. Taking of evidence when necessary and done under the direction of the Judge. Transcribing evidence if directed and completed.....	

Total.....\$

JUDGE'S FEES ON AUDIT

Special attendance granting appointment.....	1.00
Appointment.....	.50
*Attending audit..... hours.....	
*Where total accounts do not exceed \$1,000—\$1 per hour, not exceeding \$2 on any day.	
“ “ “ exceeds \$1,000—but under \$10,000—\$1 per hour, not exceeding \$5 on any day.	
“ “ “ is or exceeds \$10,000, but under \$50,000—\$2.00 per hour, not exceeding \$10 on any day.	
“ “ “ is or exceeds \$50,000—\$2 per hour, not exceeding \$10 on any one day.	
Attending settling compensation.....	1.00
Order on passing accounts (duplicate).....	1.00

Total.....\$

The \$1 Law Stamp to be put on the order, all other stamps on this Fee Sheet.

RE ORDERS FOR DELIVERY UP OF ADMINISTRATION BONDS, FEES, ETC.

From actual inspection of the offices of the Surrogate Registrars throughout the Province, it was found after a careful survey that there was not uniformity in reference to applications for the delivery up of Administration Bonds as regards:

- (1) Practise.
- (2) Registrar's fees.
- (3) Judge's fees.

1. *As to Practise.*

There existed a looseness in the manner of making application, and in many cases the Registrar had nothing in his Procedure Book by way of Record, and all he had was the order itself or a copy of the same. The application and material used upon the same were not fyled and no record kept.

Such applications being applications in the Surrogate Court, there should be a uniform procedure followed similar to applications made in the County or Supreme Court. The application should, with the material to be used thereon, be fyled with the Registrar who should make a proper record of the same in the Procedure Book, and the Registrar should attend on the application where possible and keep a record or minute of the disposition of the matter and then enter up the order made in the Order Book.

This procedure should, I think, be followed as far as possible.

2. *As to Registrar's Fees.*

All sorts of fees were being charged by Registrars, some charging no fees. There should be uniformity in all offices as to fees charged for the services performed, and the fees chargeable for services rendered when performed by the Registrar should be as follows:

Item 26—Fyling, each	\$.10
Item 27—Receiving and examining papers . . . . .	.50
Item 25—Each necessary letter . . . . .	.25
Item 18—Search of Original Papers . . . . .	.30
Item 28—Attending when order made	1.00
—Attending each adjournment	1.00
Item 31—Entering order . . . . .	.50
Item 32—Taxing costs and granting certificate	1.00
Item 15—Taking every affidavit or administering any oath, each . . . . .	.25
Item 14—Drawing any special order or other papers directed by Judge, 50 cents; if exceeding three folios, per folio on the excess, 10 cents per folio	
Item 24—Issuing subpoena, 50 cents, with additional 50 cent Law Stamp affixed thereto.	
Item 38—Postage and other necessary disbursements	

In regard to the 50 cent fee under Item 27 and the \$1 fee under Item 28, these are justifiable by analogy under the provisions of Rule 68.

3. *As to Judge's Fees.*

These fees are payable in law stamps and in many cases proper law stamps for these fees had not been procured and there was nothing to show what fees had been collected.

There should be uniformity as to these fees charged in all the offices, and the proper fees chargeable for services performed should be as follows:

Special attendance granting appointment.....	\$1.00
Appointment.....	.50
Attending when order made.....	1.00
Attending each adjournment.....	1.00
Fee on order.....	.50
(If in duplicate, fee is \$1.)	

The authority for charging these fees is found in Schedule "B" to the *Surrogate Courts Act*.

THE FEE SHEET

There should be a fee sheet for each application which should show the fees charged by the Registrar and the Judge in each particular case for the services performed. This fee sheet should be fyled with the papers, and should have affixed thereto the proper law stamps for the Judge's fees duly cancelled, except the proper law stamp fee on the order which must be attached to the order. That is, if one single order, 50 cent law stamp must be attached, but if in duplicate, then a \$1 law stamp.

FEE SHEET

IN THE SURROGATE COURT OF THE COUNTY OF.....

In the Estate of....., deceased.

Upon reading the application of.....the affidavits and papers fyled in support thereof and the Report of the Registrar thereon.....

I do order that Letters.....issue to the Applicant.

Dated at the Chambers the
.....day of
.....A.D. 19...

Surrogate Judge.

MEMORANDUM OF CROWN AND JUDGE'S FEES, AND REGISTRAR'S FEES

Proceedings	Registrar	In Stamps	
		Judge	Crown
1. For services under R.S.O. 1914, chapter 62, section 73 (1). Value not exceeding \$400.....	\$1.50	\$.50	\$.30
2. Receiving and examining papers and entering application....	1.00	....	.50
3. Notice to Surrogate Clerk.....	.25	....	....
4. Return of Grant to Surrogate Clerk.....	.25	....	....
5. Certificate of Surrogate Clerk, 50 cents; and 10 cents additional beyond three years.....	....	....	.50
6. Receiving and entering Certificate of Surrogate Clerk.....	.25	....	....
7. Recording every bond with affidavits of justification and execution.....	1.00	....	....
8. Recording each additional separate affidavit of justification or execution if more than one of each.....folios each 10 cents folio.....	....	....	....
9. Fiat on bond, i.e., Judges Order re amount of bond.....	.50	1.50	....
10. Grant—Value of Property: Personal.....\$.....}	....	....	....
Real.....\$.....\$.....	....	1.00	....
11. Special Attendance to Grant Probate or Administration.....	....	....	....
12. Submitting papers with Registrar's Report to Judge to lead grant.....	.50	....	....
13. Preparing Probate or Letters of Administration or Guardian- ship issued under the seal of the Court.....	....	....	.50
14. Search for will and certificate.....	.70	....	....
15. Recording Grants, per folio, 10 cents;.....folios, each 10 cents	....	....	....
16. Transcript of Will.....folios 10 cents.....	....	....	....
17. Certified copy of will for Surrogate Clerk including certificate, .....folios, each 10 cents.....	....	....	....
18. Certificates—For certification in Register when copied.....	.50	....	....
19. Attending and entering order for grant.....	.50	.50	....
20. Drawing special order or other papers directed by the Judge, 50 cents; if over three folios, 10 cents each additional.....	....	....	....
21. Fylings, each 10 cents.....	....	....	....
22. Writing necessary letters, each 25 cents.....	....	....	....
23. Copy of will for Public Trustee, under 11 Geo. V, chapter 47, section 8 (6);.....folios, each 10 cents.....	....	....	....
24. Notice to Public Trustee under 11 Geo. V, chapter 47, section 8 (6); 25 cents.....	....	....	....
25. Notice to Public Trustee when no relative in Ontario; 11 Geo. V, chapter 47, section 2, 25 cents.....	....	....	....
26. Notice to cemetery owners under 16 Geo. V, chapter 63, section 16 (6), 25 cents.....	....	....	....
FEES UNDER SUCCESSION DUTY ACT			
27. Receiving and examining affidavits and schedules and entering	1.00	....	....
28. Notice to Treasury Department (2).....	.50	....	....
29. Receiving and entering consent of solicitor under Succession Duty Act.....	.25	....	....
30. Copy of Succession Duty Bond and Affidavits for sale to the Treasury.....folios, each 10 cents.....	....	....	....
31. Certificate verifying copy of Succession Duty Bond.....	.50	....	....
Half fees to Judge and Registrar, where estate exceeds \$400 but does not exceed \$1,000.....	....	....	....
Fees under R.S.O., chapter 62, 1914, section 73 (4), where the whole property is insurance money—One-quarter of fees go to the Judge; three-quarters to the Registrar.....	....	....	....
Not exceeding \$1,000.....	\$4.00	....	....
Exceeds \$1,000; not exceeding \$2,000.....	6.00	....	....
Exceeds \$2,000; not exceeding \$3,000.....	8.00	....	....
32. Postage.....	....	....	....
Total fees.....	....	....	....

ITEM 10.—GRANT FEES

<i>1. Registrar—On Personal Property Only:</i>	
Under \$1,000.....	\$1.00
\$1,000 and under \$2,000.....	2.00
Every additional \$1,000 or fraction.....	1.00
Not to exceed in all, \$30.	
<i>2. Judge—On Real and Personal:</i>	
Not exceeding \$1,200.....	\$2.00
Exceeds \$1,200 not exceeding \$3,000.....	3.00
Additional \$1,000 or fraction.....	1.00
Appointment of Guardian.....	2.00
<i>3. Crown—Real and Personal:</i>	
Not exceeding \$1,000.....	.50
For every additional \$1,000 or fraction.....	.50

ITEM 13.—PREPARING PROBATE

<i>Registrar—On Real and Personal:</i>	
Not exceeding \$2,000.....	\$1.00
Over \$2,000.....	2.00
Over \$10,000.....	5.00

CROWN FEES—SURROGATE CLERK

On certificates where the whole property does not exceed \$400 or insurance moneys only not exceeding \$400.....	.30
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SUMMARY FEES

(In Stamps)

Judge.....	\$	}
Crown.....	\$	
Registrar.....	\$	
Total Fees.....	\$	

N.B.—Place stamps here and on back. This Fee Sheet to be attached in front of the Papers.

RE SUCCESSION DUTY PAPERS

Surrogate Registrars will see that the following instructions are complied with:

1. Where the estate exceeds \$5,000 the long form affidavit must be used.
2. The proper form with paragraph relating to gifts since July 1st, 1892, must be used; and

Either Schedule "B" must be furnished or the reference in the paragraph be amended by striking out the clause of exception.

3. Life insurance items must be extended into the total of assets, and all columns must be totalled.

4. Where in estates over \$5,000 and not exceeding \$25,000 an adopted child is a beneficiary, suggest to the solicitor (if convenient) that time may be saved by immediately forwarding proof within section 2 (c) of the *S.D. Act*.

5. Endorse the name (and definite address) of the solicitor on each affidavit, if not already endorsed.

6. Where the papers are not typewritten be careful to have the name of the deceased legibly written.

7. Place all papers furnished on the long form with the schedules attached on the inside, between the second and third pages of the form before transmitting to the Succession Duty Office.

8. Succession Duty Bonds require as sureties disinterested parties or a guaranty company.

9. Make no further reports on the form of notice, which, under a mistaken idea as to its necessity has been used for some time past. (There is no authority for this notice; a supply of it is no longer kept in the Succession Duty Office, nor should any expense be incurred in printing it.) Any remarks the Surrogate Registrar may have to make when the case appears to call for special report or to demand investigation will, however, be received by the Succession Duty Office with appreciation.

10. Send Form 2A to the Treasurer's Office and not to the Succession Duty Office.

PROOF OF WILLS IN SOLEMN FORM

1. *Upon Direction of the Judge when Circumstances Justify.*

Under Rule 9 (1) where circumstances appear to justify the direction, the Judge may require that proof shall be made in solemn form; e.g., A.B., as executor, lodges a will and his application for probate thereof and material to lead to grant in solemn form, with the Registrar. If a caveat has been lodged and a warning sent to the caveator (see Rule 20 and sections 45 and 46 of the Act) but no appearance entered and no other interested person intervenes (see Rules 19 (11) and (12)) and the applicant moves to vacate the same and an order is issued vacating the same, the applicant may proceed to complete the proofs to lead to grant in common form.....

The Judge, however, may from the circumstances and what appears before him, order that the will be proved in solemn form. This direction or order might well be a simple order or direction that the will must be proved in solemn form.

2. *Where the Will is Lost or Destroyed.*

Under Rule 9 (2) where probate of letters of administration with the will annexed are sought of a will which has been lost or destroyed, proof shall be in solemn form.

In such a case as this a draft copy of the will, if such exists, should be propounded, or if not, there should be a verified averment or statement setting out, "that the contents of the said will were in substance, or to the effect as follows" . . . and the contents should be set out as far as can be proved.

3. *An Executor May Apply on His Own Initiative even Though Proved in Common Form.*

An executor may apply for proof of will in solemn form, on his own initiative in the first instance, even after it has been proved in common form.

It is not good practice to issue an appointment in the first instance, appointing a day at which time directions would be given, etc., and on the return thereof there must be evidence produced showing the names of all parties interested in the estate with their present residences, and whether any of them are infants or not.

I do not think that this is necessary because the solicitor for the applicant would or should know that he must produce material showing all the interested parties, and cite them, and he should not require any direction for that. Such an appointment would, in my opinion, be useless and unnecessary except to get advice from the Judge about the matters which the solicitor himself should know and for which he should not be paid.

When the Judge on submission of the application and proofs in common form is moved by what appears therein, or otherwise, to order proof in solemn form under Rule 9 (1), as in the first case dealt with herein; or when in the case of a lost or destroyed will under Rule 9 (2) proof must be made in solemn form as in the second case dealt with; or when the application is made in the first instance for proof, by the executors, as they may do, as in the third case set out, the procedure is as follows:

(1) *A motion ex parte for citation order.*

This is done in the following manner:

(a) *Affidavits to be fyled together with material.*—The applicant should fyle an affidavit setting forth, so far as then can be done, the necessary facts and the names, addresses and relationships of all persons (specifying those who are infants) having an interest in upholding or attacking the validity of the will, that is the other executors, if any, and the beneficiaries under the will propounded, or under any other alleged will or testamentary paper, if any, that may have then been set up, and of all the next of kin of the testator who would be entitled to a distributive share in case of intestacy.

If the will was lost, set out the draft or copy of the will to be propounded.

If there is no draft or copy, then a statement setting out what the contents of the said will were, in substance, and those contents of the will should be set out as fully as possible.

In addition to this affidavit, there should be produced all the common form material already lodged in the Court for grant.

Upon the affidavits above mentioned, and this material, being produced, the applicant makes a motion ex parte for citation order. If the applicant on such motion is unable (as often is the case) to obtain an affidavit setting forth the names and other necessary particulars as aforesaid of all parties, he should show such inability in his affidavit, specifying therein what parties and particulars he is unable to show and the names of such person or persons as he believes could give the required information. When this is done,

(b) *Get an enlargement of the motion for citation order;* and

(c) *Move for an order for the examination of such person or persons* last mentioned, which examination could be taken before the Registrar or under commission, if necessary, as witnesses in support of his pending motion for citation order already launched, or examine them as such witnesses under the Supreme Court Rules in that behalf (Rule 68).

Having thus obtained full information as to the parties, the applicant then proceeds with his motion for the citation order.

(d) *Where a caveat lodged or any intervention under Rule 19.*—In such cases where a caveat has been lodged and an appearance has been entered by the caveator to a warning, or in case any person has intervened under Rule 19, the applicant should fyle an affidavit or affidavits setting forth as far as then can be done, the parties interested, particulars and facts as aforesaid and serve on those who have appeared to the warning or intervention, notice of motion for a citation order (Rule 28) which citation order should include the terms of

Rule 28 (2). Such parties shall also be served with a citation calling upon them to enter an appearance, and warning them that in default they will be bound by the result of such proceedings as may be taken in their absence, and such directions as to parties to be added and cited and such other order as may be deemed expedient.

If this motion is launched and it is found that the affidavit and material does not give the names and necessary particulars of all persons interested, then it should be enlarged in order that the same may be obtained by examination of the witnesses before the Registrar in support of the pending motion.

(e) *On Return of Motion.*—On return of the motion for citation order, those parties opposing the grant should file affidavits showing the nature and particulars of their interests, and the ground upon which they oppose the grant, or they may disclaim or make default.

(2) *All interested parties being ascertained, get citation order.*

When all persons interested are ascertained, the appropriate citation order should be made and signed by the Judge. This citation order should be carefully framed (see form 32). It should be directed to all such persons calling on them to appear and warning them as to default in terms of Rule 28 (2).

(3) *Citation order being obtained, move for procedure order or order for directions.*

The citation order should be served upon all interested persons who are not already before the court on the application.

When all such persons have been properly served with the citation order and the time has elapsed for appearance by all parties, the applicant should file the citation order, affidavits of certificates thereof on all who have not appeared thereto and the certificate of non-appearance of those in default, setting out those who have appeared. Then serve on all those who have appeared a notice of motion for a procedure order or order for directions. See Rules 27 and 28 (3). Such motion should be drawn in appropriate terms. (Form 34).

This order may settle the issues to be tried or direct pleadings to be delivered and give directions relating thereto, and provide for examinations for discovery, production and inspection, fix the time for and the mode of trial, give directions as to class representation and such further directions as the parties may require or may be deemed entitled to.

(4) *Trial.*

The case is then ready for trial and is entered for trial.

The Court hears the evidence and if it pronounces for the force and validity of the will, judgment is issued accordingly for probate in solemn form of law, subject to further fiat or order after all necessary documents to lead to grant have been filed.

(a) *What judgment or final order should state.*—The final order or judgment should state where the will is proven, that the Court declares the same as propounded is well proven in solemn form of law and that the same ought to be established as the last will and testament of A.B., until the original will or a more authentic copy thereof shall be brought into the Registry, and also subject to the order to be made upon the filing in the office of the Registry of the Court all necessary proofs and papers to lead to grant that probate of the said will as contained in the said copy (or if any alterations are made set out the same in full) be granted to the plaintiff, limited until the original will or a more authentic copy thereof shall be brought into the Registry of the Court.

(5) *Judge's Order for Issue of Probate.*

Upon the production and fying of the final judgment or a certified copy thereof in the Registry, and lodging of the necessary papers to lead to a grant, probate then issues on the order of the Judge. This order of the Judge, upon which probate issues, after reciting the facts of the application, the affidavits and papers fyled, judgment of the Court, dated, and the Report of the Registrar, should order that letters probate of the will as contained in a copy fyled and referred to in the judgment (and if any alterations have been made, set them out) limited until the original will or a more authentic copy thereof shall be brought into the Registry of this Court, issue to the applicant. Probate then issues.

For the guidance of the Registrars and others, hereunder is set out the following forms: (1) Final judgment; (2) Judge's order on issue of probate; (3) Form of probate to be used.

1.—FINAL JUDGMENT

IN THE SURROGATE COURT OF THE COUNTY OF.....

His Honour.....	}	.....the
Judge.....		.....day of
	

IN THE ESTATE OF....., late of the.....of.....
in the.....of....., deceased.

E.F.	Plaintiff
—and—	
X & Y	Defendants.

The last will and testament of the above-named deceased as contained in the copy thereof, hereinafter mentioned, having been propounded in the aforesaid matter on the behalf of the plaintiff (as executor therein named or as the case may be) and the said plaintiff having by his petition dated the.....day of.....applied to this Court for probate thereof in solemn form of law.

And it having appeared that the only heirs at law of the said deceased are (set out fully).

And upon such application, His Honour A.B., Judge of the Surrogate Court of the County of.....having by his order dated the.....day of.....ordered and directed that the issues and questions to be tried and determined herein on the proof of the said will in solemn form of law be as follows, to wit:

“Whether or not said alleged will is the true and valid last will and testament of the said C.D., deceased, and should be established as such and admitted to probate.”

And the said Judge having by the said order directed that the said issue be tried before him without a jury on the.....day of....., and the same having then come on for trial before the said Judge without a jury at a special sittings of this Court held at the City of.....in the presence of counsel for the plaintiff and of counsel for all the defendants, being all the persons interested in upholding or attacking the validity of the said alleged will (or as the case may be).

Upon hearing read the said petition and the affidavits and papers fyled in support thereof, the said copy of the said will and a statement of facts signed (or as the case may be) and upon hearing the evidence adduced and what was alleged by counsel aforesaid, the said Judge was pleased to direct this matter to stand over for judgment, and the same coming on this day for judgment and the said Judge having pronounced for the force and validity of the said last will and testament of the said deceased C.D. as contained in the said copy thereof (with any changes or alterations as were found, which should be set out herein):

1. This Court doth declare that the said last will and testament of the said C.D., deceased, as contained in a copy thereof being the paper writing bearing date the.....day of....., now remaining in the office of the Registrar of this Court, referred to in the affidavit of the said.....made upon application for probate thereof as and marked "Exhibit A," and propounded in the said matter on behalf of the plaintiff.....(here insert any alterations) is well proved in solemn form of law, and that the same ought to be established as the last will of the said C.D., deceased, until the original will of the said deceased, or a more authentic copy thereof, shall be brought into the Registry of this Court, and doth order and adjudge the same accordingly.

2. And this Court doth further order and adjudge, subject to the order to be made upon the plaintiff fyling in the office of the Registry of this Court all necessary proofs and papers to lead to grant, that probate of the said will as contained in the said copy thereof (with any alterations as made) as aforesaid be granted to the plaintiff, the executor therein named, limited until the original will of the said deceased or a more authentic copy thereof shall be brought into the Registry of this Court.

3. And this Court doth further order and adjudge that the plaintiffs' costs as between solicitor and client, and the defendants' costs of this matter, and of the said issue and the trial thereof including costs of the citation application, and orders made herein and of the preliminary and contentious proceedings incidental to this matter be taxed (and then to be allowed as the Judge so orders).

Judgment signed this.....day of.....

2.—JUDGE'S ORDER FOR ISSUE OF GRANT

IN THE SURROGATE COURT OF THE COUNTY OF.....

IN THE ESTATE OF.....

Upon reading the application of E.F., of the.....of..... in the.....of....., executor named in the last will and testament of the above-named deceased, the affidavit and papers fyled in support thereof, and the judgment of this Court, dated the.....day of.....and the report of the Registrar thereon.

I do order that letters probate of the said will as contained in a copy thereof fyled herein and referred to in the said judgment (here insert any changes or alterations made by the judgment) limited until the original will of the said deceased or a more authentic copy thereof shall be brought into the Registry of this Court, issue to the applicant.

Dated at Chambers the..... }
day of.....19..... } Surrogate Judge.

3.—FORM OF GRANT

Canada:

Province of Ontario.

IN HIS MAJESTY'S SURROGATE COURT OF THE COUNTY OF.....

Be it known, that on the.....day of.....the last will and testament of C.D., late of the.....of.....in the County of....., deceased, who died on or about the.....day of.....at the.....of.....and who at the time of his (her) death at his (her) fixed place of abode at the.....of.....as contained in a copy thereof (here insert any changes or alterations made by final judgment) having been proved in solemn form of law and established as the last will and testament of the said deceased by a judgment of this Court dated the.....day of.....until the original will of the said deceased or a more authentic copy thereof is brought into the Registry of this Court, was proved and registered in the said Surrogate Court, a true copy of which said last will and testament as contained in the said copy thereof (change as aforesaid if any change made) is hereto annexed, and that administration of all and singular the property of the said deceased and in any way concerning his (her) will was granted by the aforesaid Court to.....of the said.....of....., a lawful son (as the case may be) of the said deceased, the executor named in the said will, limited until the original will of the said deceased or a more authentic copy thereof shall be brought into the Registry of this Court.

He having been first sworn well and faithfully to administer the same, by paying the just debts of the deceased, etc., as contained in ordinary grant forms.

Annexed to and forming part of the probate is a copy of the copy of the will propounded.

It is to be noted that beyond all question, the judgment and probate should be limited in such cases until the original will of the deceased or a more authentic copy thereof shall be brought into the Registry. It has happened that the original has been found after the propounded copy had been admitted to probate.

GENERAL REMARKS

Many interlocutory matters may arise in these proceedings from time to time and the practice in connection with the same would seem to be governed by the Supreme Court Rules so far as it is not found to be in the Surrogate Rules, and if not in either, then in the Probate Division of the High Court in England. See Rule 68.

FEES

	Item	Proceeding	Registrar	Judge	Crown
Order directing proof in solemn form when Judge so directs under Rule 9 (1)...	16	Order.....	\$.50	\$1.50	\$....
Motion for citation order....	26	Each fying.....	.10	....	....
	16	Each order.....	.50	1.50	....
Matters arising out of motion for same.....	35	Any examination before Registrar.....	(*)	....	....
	24	Each subpoena..... (Paid by party obtaining same.)	.50	....	.50
Return of motion for citation order.....	26	Each fying.....	.10	....	....
	31	Citation.....	.50	1.50	....
	16	Entering order and minute of same.....	.50	....	....
Motion for procedure order or order for directions....	16	Order.....	.50	1.50	....
	33	Appearance, paid at time by party entering.....	.50	....	....
Trial.....	24	Each subpoena, paid by party obtaining.....	.50	....	.50
	29	Attending trial.....	2.00	(†)	....
	15	Swearing witness, each.....	.20	....	....
	26	Fylings, each.....	.10	....	....
	16	Final order or judgment.....	.50	1.50	1.00
	31	Entering same.....	.50	....	....
	32	Taxing costs and certifying..	1.00	....	....
	35	Examination.....	(*)	....	....
	..	Certification of Record.....	.50	....	....

*As on County Court scale. †Similar as in audits.

NOTE.—On any order made by the Judge, the \$1 law stamp is for attendance and a 50 cent law stamp is placed upon the order.

Under Item 14, if any special order is drawn by the Registrar under direction from the Judge, the Registrar will be entitled to a fee of 50 cents, and 10 cents per folio not exceeding three.

These cases come up for trial in open court and the Registrar should keep a Surrogate Court Docket Book to make necessary entries similar to docket book in the Supreme and County Court.

A fee sheet should be prepared by the Registrar in each case, to which should be attached all law stamps properly cancelled, except those that are properly placed upon the papers; namely, the 50 cent stamp on all orders and the necessary stamps on final judgments.

All fees in connection with these matters are separate and distinct from the ordinary fees for grant in common form.

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Government
Publication

REPORT
OF THE
INSPECTOR OF LEGAL OFFICES
ONTARIO

1927

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO



ONTARIO

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Printed and Published by the Printer to the King's Most Excellent Majesty
1928

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1928



REPORT

of the

Inspector of Legal Offices

Ontario, 1927

TO HIS HONOUR W. D. ROSS, ESQ.,
Lieutenant-Governor of the Province of Ontario.

SIR:—I have the honour to present my third Annual Report as Inspector of Legal Offices for the year ending December 31st, 1927.

The year's inspection of the different offices shows that they are being well and satisfactorily conducted.

Uniformity in regards to many matters has been accomplished.

During the year a complete new uniform fee and cash book has been installed in each of the offices of Local Registrar of the Supreme Court, County and District Court Clerk, Surrogate Registrar and Crown Attorneys.

An auditor has now been permanently attached to this department who makes a systematic and thorough audit of the legal offices of all cash fees received, and law stamps.

The result of this is that a close check is now being made of all offices; greater care is being exercised by the officers not only in the matter of charging all proper fees but in keeping proper records of the same and also particularly seeing that proper law stamps are attached to the various papers that require them.

Monthly returns from Police Magistrates have been revised and now more detailed returns are being sent in by the various Police Magistrates throughout the Province to this office.

During the year I met several of the councils of different counties and committees of the same relative to providing better filing equipment, additional vault accommodation and additions to registry offices and court-houses, with the result that many of the offices have now installed modern up-to-date filing systems and additions are under way to provide much needed additional space.

During the coming year it is hoped to carry this further with a view of having proper filing equipment in all offices and proper and sufficient equipment and space to the office buildings where necessary.

Supplies have been centralized for all officers in the districts. All such supplies are now ordered through the Inspector and under the supervision of the King's Printer who has charge of the ordering of the same and certifies as to the cost.

The revenue payable to the Province from the different offices has greatly increased over the previous year. Due to increased business, closer inspection, uniformity in the matter of fees and a systematic and careful audit.

It is to be noted, however, that there has been a falling off of revenue in reference to fines and fees received from Police Magistrates. In 1926 the fines and fees were \$157,010.48, while in 1927 there was received for fines and fees \$70,907.68.

The revenue collected under my supervision for the year 1927 amounted to the sum of \$350,088.98, made up as follows:

Police Magistrates, fines and fees	\$70,907 68
(The above amount represents monies for fines and fees actually received by me and does not include fines and fees paid direct to inspectors under the O.T.A. and L.C.A.)	
Local registrars, S.C.O., County Court and District Court Clerks and Surrogate Registrars	110,371 36
Crown Attorneys and Clerks of the Peace	44,415 99
Sheriffs.	19,454 26
Registrars of Deeds and Local Masters of Title	30,986 51
Division Court Clerks and Bailiffs	56,492 46
Estreats and fines	10,737 25
Miscellaneous	75 85
Bankruptcy fees	6,647 62
Total	\$350,088 98

I attach hereto the following schedules with statements in reference to the offices generally, and notes on such of my observations as seem to me to be of interest to the various officers, the profession and others having business transactions with the various offices:

1. Statement surrogate clerks offices.
2. Statement business, Administrative Branch, Osgoode Hall.
3. Statement business, Appellate Courts, Osgoode Hall.
4. Financial statement of judicial offices, namely: Sheriffs, Surrogate Judges, Local Masters, S.C.O., Local Registrars, County and District Court Clerks and Surrogate Registrars.
5. Financial statement respecting Police Magistrates.
6. Financial statement respecting Division Courts.
7. Financial statement respecting Registrars of Deeds.
8. Financial statement respecting Land Titles Offices.
9. Observations made by the Inspector.

All of which is respectfully submitted.

I have the honour to be, sir,

Your obedient servant,

I. A. HUMPHRIES,
Inspector of Legal Offices.

Toronto, March 27th, 1928.

Statement

- (a) Surrogate Clerks Office.
- (b) Administrative Branch—Osgoode Hall.
- (c) Appellate Division—Osgoode Hall.
- (d) Master's Office—Osgoode Hall.

OFFICE OF THE SURROGATE CLERK—OSGOODE HALL, TORONTO

ANNUAL REPORT FOR 1927

Estates in which probate applied for.....	7,673
Estates in which administrations applied for.....	3,881
	<hr/>
	11,554
Letters of administration—will annexed.....	407
Soldiers' estates of George V, 1917, chapter 28.....	21
Guardianships applied for.....	74
Caveats entered.....	102
Deeds of elections filed.....	2
Supreme Court orders filed.....	8
Searches made by public (not county registrars).....	267
Fees in stamps received upon all estates, probate and administrations, guardianships, caveats, deeds of election and Supreme Court orders.....	\$6,224 60
Fees in stamps on searches by public including copies of wills.....	\$157 95
	<hr/>
Total fees received for year 1927.....	\$6,382 55

REPORT OF THE BUSINESS OF THE ADMINISTRATIVE BRANCH FOR THE YEAR
ENDING WITH THE 31st OF DECEMBER, 1927—SENIOR
REGISTRAR'S DEPARTMENT

Number of writs of summons issued (of which 57 were concurrent writs).....	3,107
Actions entered in procedure book, commenced by writs issued during the year 1927.....	1,150
Actions entered in procedure book transferred from county court during 1927....	20
Actions entered in procedure book commenced by writ during previous years.....	37
Actions entered in procedure book otherwise than by writ.....	261
Praecipe orders issued.....	133
Records passed.....	533
Writs of execution, Fi. Fa., issued.....	892
Writs of execution, renewal, alias and pluries writs issued.....	233
Special writs (habeas corpus, etc.) issued.....	24
Actions entered for trial (with jury).....	98
Actions entered for trial (without jury).....	357
Amount of jury fees paid city treasurer.....	\$300 00
Court orders.....	533
Chamber orders.....	3,656
Deed polls entered and filed.....	163
Judgments entered without trial.....	79
Judgments entered after trial.....	214
Judgments in chambers.....	74
Judgments under Consolidated Rule 600.....	3
Judgments by default; mortgage actions.....	932
Judgments by default; ordinary actions.....	236
Judgments in mechanics' liens.....	50
Judgments entered in respect of writs issued, year 1916.....	1
Judgments entered in respect of writs issued, year 1917.....	2
Judgments entered in respect of writs issued, year 1919.....	1
Judgments entered in respect of writs issued, year 1922.....	3
Judgments entered in respect of writs issued, year 1923.....	5
Judgments entered in respect of writs issued, year 1924.....	7
Judgments entered in respect of writs issued, year 1925.....	29
Judgments entered in respect of writs issued, year 1926.....	308
Judgments entered in respect of writs issued, year 1927.....	1,223
Interlocutory judgments.....	15
Total judgments entered.....	1,779
Amount recovered on judgments exclusive of costs.....	\$3,708,555 06
Amount of taxed costs (including disbursements on judgments of all kinds).....	\$77,091 18
Mechanics' lien orders.....	213
Attorney-General orders.....	77
Fiats entered.....	899
Fees paid in law stamps in Senior Registrar's office.....	\$26,550 65
Fees paid in law stamps in Appellate Division.....	\$1,881 70

REPORT 1927—SUPREME COURT OF ONTARIO, APPELLATE DIVISION,
TWO COURTS

	Allowed	Dis- missed	Varied	Standing for		With- drawn	Total
				Argu- ment	Judg- ment		
Appeals from single or trial judge.....	115	191	25	19	24	13	387
Appeals from arbitrator....	3		3				6
Appeals from Ontario Rail- way and Municipal Board	1			1			2
Election appeals.....		1					1
Motions to full court.....							78
Appeal under Criminal Code	26	28	17	19			90
Appeals from county, district and division courts.....	65	147	9	11	1	3	236
Appeals from surrogate court		2					2
Appeals under Assessment Act.....							
Appeals from Juvenile Court Toronto.....		1		1			2
Appeals from Master in Chambers by leave of single court judge.....	3						3
Appeals from local masters..		1		1			2
Totals.....	213	371	54	52	25	16	812

Total fees for 1927, \$1,881.70.

ANNUAL RETURN OF FEES COLLECTED IN LAW STAMPS IN THE MASTER'S
OFFICE, OSGOODE HALL, FOR THE YEAR ENDING
DECEMBER 31, 1927

Master (references).....	\$653 70
Assistant Master (references)	419 00
Assistant Master (quieting titles).....	168 00
Assistant Master (mechanic's liens).....	325 00
Chief Clerk (mortgage foreclosures)	3,438 00
Official Receiver.....	3,494 50
	<u>\$8,498 80</u>

This does not include stamps collected in connection with the Master's Chamber work,
which are included in the return made by the Senior Registrar.

Financial Statement

Sheriffs.

Surrogate Judges.

Local Masters, S.C.O.

Crown Attorneys and Clerks of the Peace.

Local Registrars, S.C.O.

County and District Court Clerks.

Surrogate Registrars.

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
ALGOMA:			\$ c.	\$ c.	\$ c.
Sault Ste. Marie.....	Sheriff.....	C. M. Macreath.....	3,596 62	1,000 00	4,596 62
	Surrogate Judge.....	Judge Stone.....		1,000 00	
	Local Master.....	".....			
	".....	Judge Hall.....	171 40		171 40
	Crown Attorney.....	W. G. Atkin.....	4,300 69	400 00	4,700 69
	Clerk of the Peace.....	".....			
	Local Registrar.....	T. J. Foster.....	3,519 45	750 00	4,269 45
	District Court Clerk.....	".....			
	Surrogate Registrar.....	".....			
BRANT:					
Brantford....	Sheriff.....	J. W. Westbrook.....	3,712 44		3,712 44
	Surrogate Judge.....	Judge Hardy.....		1,000 00	
	Local Master.....	".....			
	Crown Attorney.....	W. M. Charlton, K.C.....	3,680 84		3,680 84
	Clerk of the Peace.....	".....			
	Local Registrar.....	aH. J. Wallace.....	6,170 38	675 00	6,845 38
	County Court Clerk.....	".....			
	Surrogate Registrar.....	".....			
BRUCE:					
Walkerton....	Sheriff.....	D. M. Jermyn.....	2,803 63		2,803 63
	Surrogate Judge.....	bJudge Owens.....		1,000 00	
	Local Master.....	".....			
	Crown Attorney.....	J. W. Freeborn.....	4,283 31		4,283 31
	Clerk of the Peace.....	".....			
	Local Registrar.....	R. E. Clapp.....	5,003 91	675 00	5,678 91
	County Court Clerk.....	".....			
	Surrogate Registrar.....	".....			
CARLETON:					
Ottawa.....	Sheriff.....	G. C. Richardson.....	10,214 24		10,214 24
	Surrogate Judge.....	Judge McMullen.....		1,000 00	
	Local Master.....	F. A. Magee.....	2,485 35		6,508 31
	Local Registrar.....	".....	4,022 96		
	Crown Attorney.....	J. A. Ritchie.....	3,176 61		3,176 61
	Clerk of the Peace.....	".....			
	County Court Clerk.....	C. L. Bray.....	13,161 57		13,161 57
	Surrogate Registrar.....	".....			
COCHRANE:					
Cochrane.....	Sheriff.....	J. D. Mackay.....	5,404 68	1,190 90	6,595 58
	Surrogate Judge.....	Judge Caron.....		1,000 00	
	Local Master.....	".....			
	Crown Attorney.....	S. A. Caldbick.....	3,370 02	200 00	3,570 02
	Clerk of the Peace.....	".....			
	Local Registrar.....	W. L. Warrell.....	3,349 67	600 00	3,949 67
	District Court Clerk.....	".....			
	Surrogate Registrar.....	".....			

aH. J. Wallace appointed by Order-in-Council 3rd May, 1927.

bJudge Owens appointed by Order-in-Council 11th January, 1927.

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
			\$ c.	\$ c.	\$ c.
DUFFERIN:					
Orangeville...	Sheriff.....	H. Endacott.....	1,833 25		1,833 25
	Surrogate Judge.....	aJudge Moore.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	bJ. L. Island.....		Com m u t e d a t	1,270 00
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. A. V. Preston.....	1,866 88	675 00	2,541 88
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
ELGIN:					
St. Thomas...	Sheriff.....	P. S. D. Harding.....	3,996 27		3,996 27
	Surrogate Judge.....	Judge Ross.....		1,000 00	
	Local Master.....	C. F. Maxwell.....	84 50		84 50
	Crown Attorney.....	A. McCrimmon.....	4,709 10		4,709 10
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	I. D. Cameron.....	5,385 94	675 00	6,060 94
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
ESSEX:					
Sandwich.....	Sheriff.....	C. N. Anderson.....	12,798 32		12,798 32
	Surrogate Judge.....	*Judge Coughlin.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	J. S. Allan.....		Comm u t e d a t \$5,000.00.	
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	W. B. S. Craig.....	15,892 80	675 00	16,567 80
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
FRONTENAC:					
Kingston.....	Sheriff.....	R. F. Vair.....	3,326 46		3,326 46
	Surrogate Judge.....	Judge Lavell.....		1,000 00	
	Local Master.....	J. B. Walkem, K.C.....	174 95		174 95
	Crown Attorney.....	T. J. Rigney, K.C.....	3,654 05		3,654 05
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	C. H. Wood.....	3,202 40	675 00	3,877 40
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	Helen Fraser.....	2,560 30		2,560 30
GREY:					
Owen Sound...	Sheriff.....	cJ. S. Wilson.....	3,177 55		3,177 55
	Surrogate Judge.....	Judge Sutherland.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	T. H. Dyre.....		Comm u t e d a t \$3,010.00.	
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	T. J. Rutherford.....	5,820 35	750 00	6,570 35
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
HALDIMAND:					
Cayuga.....	Sheriff.....	dW. S. Hudspeth.....	1,647 47		1,647 47
	Surrogate Judge.....	Judge Hopkins.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	H. Arrell, K.C.....	2,543 75		2,543 75
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. C. Eccles.....	3,056 85	600 00	3,656 85
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			

aJudge Moore appointed by Order-in-Council 17th May, 1927.

bJ. L. Island's fees commuted at \$1,270.00 per annum.

cJ. S. Wilson died 17 January, 1928.

dW. S. Hudspeth appointed 16th August, 1927, M. McConnell having died 16th June.

Mrs. M. Gibbons, Deputy, acted in meantime.

eOf the amount of \$8,017.70, only \$4,000.00 has been received from Mr. Craig.

*No returns received.

the Province of Ontario for the year ending December 31, 1927.—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
748 14	1,085 11		1,085 11				Dufferin.
			1,000 00				
144 90	2,396 98		2,396 98		415 20	698 20	
1,923 53	2,072 74		2,072 74				Elgin.
			1,000 00				
	84 50		84 50				
591 15	4,117 95	308 97	3,808 98				
1,405 60	4,655 34	727 67	3,927 67		1,579 80	2,717 30	
5,260 50	7,537 82	934 04	6,603 78				Essex.
			1,000 00				
3,659 25	12,908 55	8,017 70	4,890 85		8,476 05	4,732 20	Frontenac.
1,104 23	2,222 23		2,222 23				
			1,000 00				
50 00	124 95		124 95				
600 00	3,054 05		3,054 05				
910 60	2,966 80	46 68	2,920 12		323 00		
300 00	2,260 30		2,260 30		1,198 40	2,169 10	
875 70	2,301 85		2,301 85				Grey.
			1,000 00	54 40			
997 75	5,572 60	1,415 34	4,157 26		1,558 20	2,344 40	
355 38	1,292 09		1,292 09				Haldimand.
			1,000 00	21 80			
800 00	1,743 75		1,743 75				
210 00	3,446 85	139 37	3,307 48		750 10	1,409 40	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
HALTON: Milton.....	Sheriff.....	S. Webster.....	\$ 2,495 80	\$ c.	\$ 2,495 80
	Surrogate Judge.....	Judge Elliott.....		1,000 00	
	Local Master.....	".....			
	Crown Attorney.....	W. I. Dick.....	3,317 26		3,317 26
	Clerk of the Peace.....	".....			
	Local Registrar.....	W. J. McClenahan.....	3,534 45	600 00	4,134 45
	County Court Clerk.....	".....			
HASTINGS: Belleville.....	Surrogate Registrar.....	".....			
	Sheriff.....	J. H. Clare.....	3,372 08		3,372 08
	Surrogate Judge.....	Judge Wills.....		1,000 00	
	Local Master.....	S. S. Lazier.....	Commuted	3,000.00	
	Deputy Registrar.....	".....			
	Crown Attorney.....	B. C. Donnan.....	5,568 89		5,568 89
	Clerk of the Peace.....	".....			
HURON: Goderich.....	Deputy Clerk of the Crown.....	J. A. Kerr.....	6,563 40	450 00	7,013 40
	Surrogate Registrar.....	".....			
	Sheriff.....	aC. G. Middleton.....	2,987 23		2,987 23
	Surrogate Judge.....	Judge Lewis.....		1,000 00	
	Local Master.....	".....			
	Crown Attorney.....	D. Holmes, K.C.....	Commuted	at \$3,000.00 per	
	Clerk of the Peace.....	".....			
KENORA: Kenora.....	Local Registrar.....	bR. Johnston.....	7,888 90	750 00	8,638 90
	County Court Clerk.....	".....			
	Surrogate Registrar.....	".....			
	Sheriff.....	J. W. Humble.....	1,428 85	1,000 00	2,428 85
	Surrogate Judge.....	cJudge Dowler.....		1,000 00	
	Local Master.....	".....			
	Crown Attorney.....	H. P. Cooke, K.C.....	Commuted	at \$1,970.00 per	
KENT: Chatham.....	Clerk of the Peace.....	".....			
	Local Registrar.....	J. N. Ladouceur.....	1,024 33	700 00	1,724 33
	District Court Clerk.....	".....			
	Surrogate Registrar.....	".....			
	Sheriff.....	E. W. Hardey.....	5,315 47		5,315 47
	Surrogate Judge.....	d*.....			
	Local Master.....	d*.....			
LAMBTON: Sarnia.....	Crown Attorney.....	H. D. Smith, K.C.....	8,148 95		8,148 95
	Clerk of the Peace.....	".....			
	Local Registrar.....	D. E. Douglas.....	7,723 05	675 00	8,398 05
	County Court Clerk.....	".....			
	Surrogate Registrar.....	".....			
	Sheriff.....	A. J. Johnston.....	3,295 02		3,295 02
	Surrogate Judge.....	*Judge Taylor.....		1,000 00	
	Local Master.....	".....			
	Crown Attorney.....	F. W. Willson.....	5,022 21		5,022 21
	Clerk of the Peace.....	".....			
	Local Registrar.....	Alex. Saunders.....	5,600 65	675 00	6,275 65
	County Court Clerk.....	".....			
	Surrogate Registrar.....	".....			

a C. G. Middleton appointed by Order-in-Council 25th July, 1927; R. G. Reynolds retired.

b R. Johnston appointed by Order-in-Council 31st January, 1927.

c Judge Dowler appointed by Order-in-Council 17th May, 1927.

d Judge Kerr sworn into office 1st February, 1928.

*No returns received.

the Province of Ontario for the year ending December 31, 1927.—*Continued.*

Total office disburse- ments	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
1,287 57	1,208 23		1,208 23	1,000 00	47 40		Halton.
1,126 61	2,190 65		2,190 65				
351 50	3,782 95	291 47	3,491 48		942 60	1,737 85	
1,012 64	2,359 44		2,359 44	1,000 00			Hastings.
			1,000 00				
1,342 84	4,226 05	363 02	3,863 03				
1,559 18	5,454 22	1,308 80	4,145 42		1,194 00	3,097 90	
1,125 71	1,861 52		1,861 52	1,000 00			Huron.
			1,000 00	38 00			
annum.							
2,500 35	6,138 55	1,950 29	4,188 26		1,955 70	3,250 50	
570 76	1,858 09		1,858 09	1,000 00			Kenora.
			1,000 00				
annum.							
80 30	1,644 03		1,644 03		571 50	300 20	
2,658 19	2,657 28		2,657 28				Kent.
1,550 00	6,598 95	1,549 47	4,049 48				
1,724 55	6,673 50	2,406 15	4,267 35		2,124 70	2,697 80	
828 03	2,466 99		2,466 99	1,000 00			Lambton.
			1,000 00				
1,126 92	3,895 29	197 65	3,697 64				
900 00	5,375 65	1,238 09	4,137 56		2,082 90	2,872 00	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
LANARK: Perth.....	Sheriff.....	J. H. Ebbs.....	\$ c. 1,987 62	\$ c. 1,000 00	\$ c. 1,987 62
	Surrogate Judge.....	Judge Scott.....			
	Local Master.....	" ".....			
	Crown Attorney.....	C. H. McKimm.....	2,792 41		2,792 41
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. S. L. McNeely.....	3,606 92	675 00	4,281 92
	County Court Clerk.....	" ".....			
LEEDS AND GRENVILLE: Brockville....	Surrogate Registrar.....	" ".....			
	Sheriff.....	J. A. McCammon.....	3,238 50		3,238 50
	Surrogate Judge.....	*Judge Dowsley.....		1,000 00	
	Local Master.....	" ".....			
	" ".....	Judge Reynolds.....	142 90		142 90
	Crown Attorney.....	M. M. Brown.....	3,831 81		3,831 81
	Clerk of the Peace.....	" ".....			
LENNOX AND ADDINGTON: Napanee.....	Local Registrar.....	A. E. Baker.....	6,260 50	750 00	7,010 50
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	C. W. Vandervoort.....	1,894 86		1,894 86
	Surrogate Judge.....	*Judge Madden.....		1,000 00	
	Local Master.....	S. S. Lazier.....	108 10		108 10
	Crown Attorney.....	U. M. Wilson.....	3,297 52		3,297 52
LINCOLN: St. Catharines.	Clerk of the Peace.....	" ".....			
	Local Registrar.....	W. P. Deroche.....	2,185 10	600 00	2,785 10
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	H. O'Loughlin.....	4,823 92		4,823 92
	Surrogate Judge.....	Judge Campbell.....		1,000 00	
	Local Master.....	" ".....			
MANITOULIN: Gore Bay.....	Crown Attorney.....	E. H. Lancaster.....	4,589 41		4,589 41
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	E. J. Lovelace.....	5,932 92	675 00	6,607 92
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	J. H. Fell.....	970 72	950 00	1,920 72
	Surrogate Judge.....	Judge Hewson.....		1,000 00	
MIDDLESEX: London.....	Local Master.....	" ".....			
	Crown Attorney.....	W. F. McRae.....	1,568 20	250 00	1,818 20
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	C. C. Platt.....	583 70	850 00	1,433 70
	District Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	D. A. Graham.....	6,344 35		6,344 35
	Surrogate Judge.....	Judge Macbeth.....	1,300 00		
	Local Master.....	H. S. Blackburn.....	331 50		
	Deputy Registrar.....	" ".....	1,816 70		
	Crown Attorney.....	A. M. Judd.....	Commuted at \$5,000		2,148 20
	Clerk of the Peace.....	" ".....			
	Deputy Clerk of the Crown.....	aE. Weld.....	15,916 03	500 00	16,416 03
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			

a Of the amount payable to the province by Mr. Weld, namely \$6,922.83, only \$5,860.33 has been received.

*No returns received.

the Province of Ontario for the year ending December 31, 1927.—Continued.

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
738 89	1,248 73		1,248 73				Lanark.
			1,000 00	36 40			
493 26	2,299 15		2,299 15				
372 05	3,909 87	354 50	3,555 37		1,084 45	1,717 90	
1,369 30	1,869 20		1,869 20				Leeds and Grenville.
			1,000 00				
	142 90		142 90				
708 83	3,122 98		3,122 68				
1,406 30	5,604 20	1,443 78	4,160 42		1,888 80	2,859 80	
295 25	1,599 61		1,599 61				Lennox and Addington.
			1,000 00				
18 00	90 10		90 10				
653 19	2,644 33		2,644 33				
381 10	2,404 00		2,404 00		545 80	880 20	
1,283 33	3,540 59		3,540 59				Lincoln.
			1,000 00	25 40			
996 45	3,592 96	46 48	3,546 48				
1,582 95	5,024 97	922 48	4,102 49		1,569 00	2,105 25	
63 46	1,857 26		1,857 26				Manitoulin.
			1,000 00				
	1,818 20		1,818 20				
	1,433 70		1,433 70		124 60	208 75	
1,623 64	4,720 71		4,720 71				Middlesex.
			1,300 00				
624 00	1,524 20		1,524 20				
num.							
4,724 00	11,692 03	6,922 83	4,769 20		5,494 80	9,545 80	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
			\$ c.	\$ c.	\$ c.
MUSKOKA: Bracebridge...	Sheriff.....	J. G. Myers.....	1,442 29	1,350 00	2,792 29
	Surrogate Judge.....	Judge Mahaffy.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	Thos. Johnson.....	1,319 59	250 00	1,569 59
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	C. S. Salmon.....	1,286 50	600 00	1,886 50
	District Court Clerk.....	" ".....			
NIPISSING: North Bay...	Surrogate Registrar.....	" ".....			
	Sheriff.....	Peter Groulx.....	4,034 51	800 00	4,834 51
	Surrogate Judge.....	Judge Valin.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	T. E. McKee.....	2,927 84	250 00	3,177 84
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	T. J. Bourke.....	3,565 95	600 00	4,165 95
NORFOLK: Simcoe.....	District Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	W. Tisdale.....	1,978 61		1,978 61
	Surrogate Judge.....	Judge Boles.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	W. E. Kelly, K.C....	Commuted at \$3,40	0.00 per a	
	Clerk of the Peace.....	" ".....			
NORTHUMBER- LAND AND DURHAM: Cobourg.....	Local Registrar.....	H. P. Innes, K.C....	3,873 49	675 00	4,548 49
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	D. J. Nesbitt.....	3,496 63		3,496 63
	Surrogate Judge.....	*a Judge McGlade.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	W. F. Kerr, K.C....	4,718 95		4,718 95
ONTARIO: Whitby.....	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. T. Field.....	5,751 55	750 00	6,501 55
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	J. F. Paxton.....	4,611 19		4,611 19
	Surrogate Judge.....	Judge Thompson.....		1,000 00	
	Local Master.....	Judge Ruddy.....	166 40		166 40
OXFORD: Woodstock...	Crown Attorney.....	b J. A. McGibbon.....	3,968 78		3,968 78
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	Horace Bascom.....	6,276 31	675 00	6,951 31
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	Wm. McGhee.....	2,336 86		2,336 86
	Surrogate Judge.....	Judge Wallace.....		1,000 00	
	Local Master.....	W. T. McMullen.....	41 30		41 30
	Crown Attorney.....	R. N. Ball, K.C....	2,446 69		2,446 69
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	P. M. McDonald.....	7,867 31	450 00	8,317 31
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			

a Judge McGlade died. Judge Wills acted for a time; Judge O'Connor sworn into office 25th January, 1928.

b J. A. McGibbon appointed by Order-in-Council 21st October, 1927, Mr. J. F. Grierson having resigned.

*No returns received.

the Province of Ontario for the year ending December 31, 1927.—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
397 93	2,394 36		2,394 36				Muskoka.
			1,000 00				
37 50	1,532 09		1,532 09				
16 00	1,870 50		1,870 50		422 10	587 75	
2,480 98	2,353 53		2,353 53				Nipissing
			1,000 00	13 70			
921 85	2,255 99		2,255 99				
547 21	3,618 74	209 37	3,409 37		534 70	495 75	
661 30	1,317 31		1,317 31				Norfolk.
			1,000 00	30 00			
num.							
1,015 10	3,533 39	166 70	3,366 69		798 70	1,452 95	
1,222 66	2,273 97		2,273 97				Northumberland and Durham.
			1,000 00				
1,247 36	3,471 59		3,471 59				
1,137 00	5,364 55	1,228 10	4,136 45		2,198 80	3,603 00	
1,459 00	3,152 19		3,152 19				Ontario.
			1,000 00				
	166 40		166 40				
1,030 00	2,938 78		2,938 78				
812 00	6,139 31	1,925 38	4,213 93		1,892 60	2,735 20	
1,155 05	1,181 81		1,181 81				Oxford.
			1,000 00				
	41 30		41 30				
	2,446 69		2,446 69				
1,924 28	6,393 03	2,153 73	4,239 30		1,967 60	3,161 50	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
PARRY SOUND:			\$ c.	\$ c.	\$ c.
Parry Sound..	Sheriff.....	J. E. Armstrong.....	2,893 47	750 00	3,643 47
	Surrogate Judge.....	Judge Powell.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	W. L. Haight, K.C....	Commuted	at \$1,70	0.00 per a
	Clerk of the Peace....	" "			
	Local Registrar.....	F. Tasker.....	2,100 44	600 00	2,700 44
	District Court Clerk..	" "			
	Surrogate Registrar..	" "			
PEEL:					
Brampton....	Sheriff.....	N. Henderson.....	2,604 63		2,604 63
	Surrogate Judge.....	Judge Justin.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	W. S. Morphy.....	Commuted	at \$1,70	0.00 per a
	Clerk of the Peace....	" "			
	Local Registrar.....	J. R. Fallis.....	2,907 08	600 00	3,507 08
	County Court Clerk....	" "			
	Surrogate Registrar..	" "			
PERTH:					
Stratford....	Sheriff.....	Thos. Magwood.....	3,534 30		3,534 30
	Surrogate Judge.....	*Judge Killoran.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	G. G. McPherson, K.C.	4,477 68		4,477 68
	Clerk of the Peace....	" "			
	Local Registrar.....	F. H. Thompson, K.C.	5,949 05	675 00	6,624 05
	County Court Clerk....	" "			
	Surrogate Registrar..	" "			
PETERBOROUGH:					
Peterborough.	Sheriff.....	F. J. A. Hall.....	2,649 15		2,649 15
	Surrogate Judge.....	Judge Huycke.....		1,000 00	
	Local Master.....	O. A. Langley.....	99 20		99 20
	Crown Attorney.....	G. W. Hatton, K.C....	2,793 70		2,793 70
	Clerk of the Peace....	" "			
	Local Registrar.....	G. J. Sherry.....	5,928 83	675 00	6,603 83
	County Court Clerk....	" "			
	Surrogate Registrar..	" "			
PRESCOTT AND RUSSELL:					
L'Orignal....	Sheriff.....	S. W. Wright.....	1,661 59		1,661 59
	Surrogate Judge.....	Judge Constantineau.		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	F. W. Thistlethwaite..	3,376 15		3,376 15
	Clerk of the Peace....	" "			
	Local Registrar.....	Jos. Belanger.....	2,586 68	675 00	3,261 68
	County Court Clerk....	" "			
	Surrogate Registrar..	" "			
PRINCE EDWARD:					
Picton.....	Sheriff.....	D. J. Barker.....	1,916 75		1,916 75
	Surrogate Judge.....	Judge McLean.....		1,000 00	
	Local Master.....	" "			
	Crown Attorney.....	M. R. Allison.....	2,754 60		2,754 60
	Clerk of the Peace....	" "			
	Local Registrar.....	R. H. Hubbs.....	2,452 24	600 00	3,052 24
	County Court Clerk....	" "			
	Surrogate Registrar..	" "			

*No returns received.

the Province of Ontario for the year ending December 31, 1927.—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
1,736 05	1,907 42		1,907 42				Parry Sound.
			1,000 00				
num.							
53 66	2,646 78	14 68	2,632 10		342 70	464 75	
1,022 28	1,582 35		1,582 35				Peel.
			1,000 00	28 80			
num.							
441 75	3,065 33	63 07	3,002 26		1,432 75	865 40	
710 80	2,823 50		2,823 50				Perth.
			1,000 00				
				114 50			
500 00	3,977 68	238 84	3,738 84				
1,730 00	4,894 05	847 02	4,047 03		1,697 60	2,353 95	
1,133 53	1,515 62		1,515 62				Peterborough.
			1,000 00				
	99 20		99 20				
611 75	2,181 95		2,181 95				
886 55	5,717 28	1,545 55	4,171 73		1,731 20	2,672 95	
637 56	1,024 03		1,024 03				Prescott and Russell.
			1,000 00	26 20			
896 98	2,479 17		2,479 17				
610 55	2,651 13	15 12	2,636 01		633 60	962 50	
212 37	1,704 38		1,704 38				Prince Edward.
			1,000 00	32 70			
450 00	2,304 60		2,304 60				
735 80	2,316 44		2,316 44		555 95	709 00	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
RAINY RIVER: Fort Frances..	Sheriff.....	W. A. Baker.....	\$ 1,746 85	\$ 1,150 00	\$ 2,896 85
	Surrogate Judge.....	Judge McLennan.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	N. L. Croome.....	2,292 20	250 00	2,542 20
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	W. P. Pilkey.....	1,503 68	600 00	2,103 68
	District Court Clerk.....	" ".....			
RENFREW: Pembroke....	Surrogate Registrar.....	" ".....			
	Sheriff.....	Alex. Morris.....	2,868 72		2,868 72
	Surrogate Judge.....	Judge McNamara.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	H. B. Johnson.....	3,665 63		3,665 63
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	J. M. Beatty.....	2,910 15	600 00	3,510 15
SIMCOE: Barrie.....	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	D. H. MacLeran.....	4,188 57		4,188 57
	Surrogate Judge.....	a Judge Vance.....		1,000 00	
	Local Master.....	F. G. Evans.....	25 40		
	Crown Attorney.....	" ".....	5,239 66		5,265 06
	Clerk of the Peace.....	" ".....			
STORMONT, DUNDAS AND GLEN GARRY: Cornwall....	Local Registrar.....	John MacKay.....	2,538 30	750 00	3,288 30
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	E. A. Little.....	5,400 10		5,400 10
	Sheriff.....	W. R. Mack.....	3,100 57		3,100 57
	Surrogate Judge.....	aa Judge O'Reilly.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	J. G. Harkness.....	Commuted at \$2,830.00.		
SUDBURY: Sudbury.....	Clerk of the Peace.....	" ".....			
	Local Registrar.....	A. I. Macdonell.....	6,026 85	750 00	6,776 85
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	A. Irving.....	4,862 51	1,150 00	6,012 51
	Surrogate Judge.....	b Judge Kehoe.....		1,000 00	
	Local Master.....	" ".....			
TEMISKAMING: Haileybury...	Crown Attorney.....	R. R. McKessock.....	6,729 44	250 00	6,979 44
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	c J. D. Shipley.....	3,574 71	550 00	4,124 71
	District Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	Geo. Caldbick.....	3,873 13	1,000 00	4,873 13
	Surrogate Judge.....	Judge Hartman.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	F. L. Smiley.....	2,280 53	250 00	2,530 53
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	T. J. Meagher.....	2,587 25	600 00	3,187 25
	District Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			

a Judge Vance died 22nd July, 1927; Judge Ross appointed 9th March, 1928.

aa Judge Reynolds of Brockville acted for portion of year 1927.

b Judge Hewson of Gore Bay acted during the year 1927.

c J. D. Shipley resigned; A. H. Beath appointed 25th November, 1927.

d Of the \$162.08 payable by Mr. Shipley, \$4.00 only has been received.

the Province of Ontario for the year ending December 31, 1927—*Continued.*

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
486 65	2,410 20		2,410 20				Rainy River.
			1,000 00	39 70			
	2,542 20		2,542 20				
652 25	1,451 43		1,451 43		344 15	242 50	
601 94	2,266 78		2,266 78				Renfrew.
			1,000 00	20 00			
610 00	3,055 63		3,055 63				
662 00	2,848 15	34 82	2,813 33		1,166 20	1,818 60	
2,388 49	1,800 08		1,800 08				Simcoe.
			1,000 00	25 40			
1,342 15	3,923 91	198 75	3,725 16				
180 00	3,108 30	71 66	3,036 64				
1,260 00	4,140 10	470 05	3,670 05		1,857 85	3,585 75	
651 77	2,448 80		2,488 80				Stormont, Dundas and Glengarry.
			1,000 00	139 00			
1,072 40	5,704 45	1,534 00	4,170 45		1,581 50	2,044 30	
2,065 80	3,946 71		3,946 71				Sudbury.
			1,000 00	34 10			
2,560 00	4,419 44	459 72	3,959 72				
600 00	3,524 71	4162 08	3,362 63		560 90	451 10	
1,360 65	3,512 48		3,512 48				Temiskaming.
			1,000 00	53 70			
733 16	1,797 37		1,797 37				
563 50	2,623 75	12 38	2,611 37		501 40	344 45	

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
THUNDER BAY: Port Arthur...	Sheriff.....	N. Edmeston.....	\$ c. 7,237 73	\$ c. 1,400 00	\$ c. 8,637 73
	Surrogate Judge.....	*Judge Kenny.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	W.F.Langworthy, K.C.	2,839 62	250 00	3,089 62
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	Keith Munro.....	3,883 05	600 00	4,483 05
	District Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
VICTORIA: Lindsay.....	Sheriff.....	R. J. Patterson.....	1,750 88		1,750 88
	Surrogate Judge.....	Judge Swayze.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	J. E. Anderson.....	3,817 34		3,817 34
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	A. T. Porter.....	3,802 51	675 00	4,477 51
	County Court Clerk.....	" ".....			
WATERLOO: Kitchener....	Surrogate Registrar.....	" ".....			
	Sheriff.....	W. A. Kribs.....	3,410 72		3,410 72
	Surrogate Judge.....	Judge Hearn.....		1,000 00	
	Local Master.....	J. J. A. Weir.....	146 00		146 00
	Crown Attorney.....	D. S. Bowlby.....	4,917 48		4,917 48
	Clerk of the Peace.....	" ".....			
	Local Registrar.....	aC. C. Hahn.....	3,778 30	675 00	4,453 30
WELLAND: Welland.....	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	E. H. Scully.....	5,621 39		5,621 39
	Sheriff.....	V. L. Davidson.....	4,425 49		4,425 49
	Surrogate Judge.....	Judge Livingstone.....		1,000 00	
	Local Master.....	" ".....			
	Crown Attorney.....	T. D. Cowper, K.C....	4,302 80		4,302 80
	Clerk of the Peace.....	" ".....			
WELLINGTON: Guelph.....	Local Registrar.....	bJ. E. Cohoe.....	9,835 00	800 00	10,635 00
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	" ".....			
	Sheriff.....	cA. S. Allan.....	2,909 10		2,909 10
	Surrogate Judge.....	Judge Spotton.....		1,000 00	
	Local Master.....	dWm. Kingston.....	632 93		
	Local Registrar.....	" ".....	6,585 34	300 00	7,518 27
	County Court Clerk.....	" ".....			
	Surrogate Registrar.....	J. M. Kearns.....	Commuted	at \$3,450.00 per	
	Crown Attorney.....	" ".....			
	Clerk of the Peace.....	" ".....			

a C. C. Hahn appointed 14th February, 1927, C. H. Mills having died.

b Of the amount of \$4,195.53 shown as payable only \$3,345.03 has been received from Mr. Cohoe.

c A. S. Allan died 1st February, 1928.

d Wm. Kingston died 5th March, 1928.

*No returns received.

Return of fees and emoluments of the Judicial Officers throughout

County or District	Office	Officer	Amount earned in 1927	Salary paid by Province	Total earnings and salary in all offices
WENTWORTH: Hamilton.....	Sheriff.....	a J. T. H. Regan.....	\$ c. 11,028 57	\$ c. 1,000 00	\$ c. 11,028 57
	Surrogate Judge.....	Judge Gauld.....			
	Local Master.....	" "			
	" "	*Judge Evans.....	1,000 00		
	Crown Attorney.....	G. W. Ballard.....	Commuted at \$5,00		0.00 per
	Clerk of the Peace.....	" "			
	Local Registrar.....	b G. T. Inch.....	17,718 83	750 00	18,468 83
	County Court Clerk...	" "			
	Surrogate Registrar...	" "			
YORK: Toronto.....	Sheriff.....	A. McCowan.....	26,011 09		26,011 09
	Surrogate Judge.....	Judge Coatsworth.....	2,600 00		
	" "	Judge Morson.....	1,600 00		
	" "	Judge Denton.....	1,600 00		
	" "	Judge Widdifield.....	1,600 00		
	" "	Judge Tytler.....	1,000 00		
	" "	Judge O'Connell.....	1,000 00		
	Crown Attorney.....	E. N. Armour, K.C....	Commuted at \$7,5		00.00 per
	Clerk of the Peace....	H. E. Irwin, K.C.....	13,040 22		13,040 22
	County Court Clerk...	T. V. Gearing.....	33,090 10		33,090 10
	Surrogate Registrar...	A. F. Wallis.....	46,292 26		46,292 26
TORONTO:	Sheriff.....	R. A. Pyne.....	48,257 56		48,257 56

a J. T. H. Regan died.

b G. T. Inch appointed 17th June, 1927, succeeding A. C. Garden, deceased.

*No returns received.

the Province of Ontario for the year ending December 31, 1927—Concluded.

Total office disbursements	Net earnings of office	Statutory amount paid to Province	Net income of officer.	Amount of fees earned by Local Masters during the year	Fees collected in Law Stamps for the Crown	Fees collected in Law Stamps for the Judge	County or District
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
4,792 17	6,236 40		6,236 40				Wentworth.
			1,000 00				
				230 40			
annum.							
5,604 87	12,863 96	8,375 25	4,488 71		4,238 90	8,047 55	
13,279 57	12,731 52	5,608 37	7,123 15				York.
			2,600 00				
			1,600 00				
			1,600 00				
			1,600 00				
			1,000 00				
			1,000 00				
annum.							
6,559 00	6,481 22	1,490 61	4,990 61				
8,809 00	24,281 10	18,252 99	6,028 11				
6,862 84	39,429 42	31,886 48	7,542 94		28,963 25	57,824 25	
27,567 92	20,689 64	12,770 68	7,918 96				Toronto.

COMMUTED CROWN ATTORNEYS

County or District and town	Name	Gross earnings	Disburse- ments	Net earnings	Salary
		\$ c.	\$ c.	\$ c.	\$ c.
DUFFERIN:					
Orangeville.....	J. S. Island.....	721 18	130 00	591 18	1,270 00
ESSEX:					
Windsor.....	J. S. Allan.....	11,802 72	2,565 88	9,236 84	5,000 00
GREY:					
Owen Sound.....	T. H. Dyre.....	2,503 35	1,100 00	1,404 35	3,010 00
HURON:					
Goderich.....	D. Holmes.....	2,232 08	200 00	2,032 08	3,000 00
KENORA:					
Kenora.....	H. P. Cooke.....	97 50	150 00	.....	1,970 00
MIDDLESEX:					
London.....	A. M. Judd.....	3,675 42	1,000 00	2,675 42	5,000 00
NORFOLK:					
Simcoe.....	W. E. Kelly.....	2,375 16	650 00	1,725 16	3,400 00
PARRY SOUND:					
Parry Sound.....	*W. L. Haight.....	12 00	.....	.....	1,700 00
PEEL:					
Brampton.....	W. S. Morphy.....	820 35	200 00	620 35	1,700 00
STORMONT, DUNDAS AND GLENGARRY:					
Cornwall.....	J. G. Harkness.....	828 35	400 00	428 35	2,830 00
WELLINGTON:					
Guelph.....	J. M. Kearns.....	2,794 82	750 00	2,044 82	3,450 00
WENTWORTH:					
Hamilton.....	G. W. Ballard.....	5,720 12	1,974 13	3,746 00	5,000 00
YORK:					
Toronto.....	E. N. Armour.....	7,872 89	23,234 50	.....	7,500 00

*Salary covers all disbursements.

Statement Respecting Registrars of Deeds

Statement showing the earnings, disbursements, net incomes, etc., of Registrars of Deeds for

No.	Registry Division	Where Office Situate	Registrar	Gross earnings
				\$ c.
1	Algoma.....	Sault Ste. Marie.....	H. J. Moorehouse.....	5,317 16
2	Brant.....	Brantford.....	Alex. Graham.....	5,755 90
3	Bruce.....	Walkerton.....	W. H. McFarlane.....	6,566 85
4	Carleton.....	Ottawa.....	A. E. Hunt.....	6,052 21
5	Cochrane.....	Cochrane.....	aJ. A. Clermont.....	12,734 74
6	Dufferin.....	Orangeville.....	F. J. Patterson.....	2,487 60
7	Dundas.....	Morrisburg.....	R. J. Dillen.....	1,390 40
8	Durham, E.....	Port Hope.....	bR. H. Hodgson.....	1,795 20
9	Durham, W.....	Bowmanville.....	Miss J. A. Pollard.....	1,886 10
10	Elgin.....	St. Thomas.....	J. H. Coyne.....	6,410 27
11	Essex.....	Sandwich.....	J. O. Reaume.....	44,714 96
12	Fort William.....	Fort William.....	cJ. E. Swinburne.....	6,762 05
13	Frontenac.....	Kingston.....	W. J. Gibson.....	5,269 60
14	Glengarry.....	Alexandria.....	J. A. McRae.....	1,928 30
15	Grenville.....	Prescott.....	W. S. Johnston.....	1,999 30
16	Grey, North.....	Owen Sound.....	Geo. P. Creighton.....	4,556 30
17	Grey, South.....	Durham.....	A. H. Jackson.....	2,991 47
18	Haldimand.....	Cayuga.....	W. H. Howard.....	3,514 35
19	Haliburton.....	Minden.....	A. W. Fleming.....	889 74
20	Halton.....	Milton.....	Victor Chisholm.....	4,963 55
21	Hastings.....	Belleville.....	R. J. S. Dewar.....	7,135 70
22	Huron.....	Goderich.....	Wm. Coats.....	5,876 36
23	Kenora.....	Kenora.....	dMrs. E. A. Cunningham.....	4,165 49
24	Kent.....	Chatham.....	J. B. Clark.....	9,433 20
25	Lambton.....	Sarnia.....	eR. S. La Sueur.....	9,277 98
26	Lanark, North.....	Almonte.....	H. C. Bowland.....	1,476 20
27	Lanark, South.....	Perth.....	Jas. Armour.....	1,890 00
28	Leeds.....	Brockville.....	A. W. Gray.....	3,637 49
29	Lennox and Addington.....	Napanee.....	G. S. Reid.....	2,573 60
30	Lincoln.....	St. Catharines.....	fC. E. Fisher.....	10,890 76
31	London.....	London.....	R. H. Dignan.....	7,452 05
32	Manitoulin.....	Gore Bay.....	gC. C. Platt.....	1,795 65
33	Middlesex, East and North.....	London.....	Miss M. V. Walker.....	6,915 34
34	Middlesex, West.....	Glencoe.....	R. Dunlop.....	2,152 76
35	Muskoka.....	Bracebridge.....	hC. E. Lount.....	4,325 75
36	Nipissing.....	North Bay.....	iJ. M. Deacon.....	5,401 76
37	Norfolk.....	Simcoe.....	W. M. McGuire.....	5,470 60
38	Northumberland, East.....	Colborne.....	A. G. Willoughby.....	2,764 05
39	Northumberland, West.....	Cobourg.....	Hugh McCullough.....	1,651 10
40	Ontario.....	Whitby.....	G. W. Dryden.....	12,780 31
41	Ottawa.....	Ottawa.....	J. P. Fisher.....	10,052 50
42	Oxford.....	Woodstock.....	W. L. MacWhinnie.....	5,995 60
43	Parry Sound.....	Parry Sound.....	C. Gillespie.....	1,940 48
44	Peel.....	Brampton.....	F. J. Jackson.....	5,324 94
45	Perth, North.....	Stratford.....	Jas. Steele.....	4,183 90
46	Perth, South.....	St. Mary's.....	G. D. L. Rice.....	1,742 20
47	Peterborough.....	Peterborough.....	W. F. Morrow.....	6,398 75
48	Port Arthur.....	Port Arthur.....	jJ. M. Munro.....	7,095 98
49	Prescott.....	L'Orignal.....	H. M. Mooney.....	2,469 85
50	Prince Edward.....	Pictou.....	J. H. Holmes.....	1,946 80
51	Rainy River.....	Fort Frances.....	kW. J. Keating.....	4,668 55
52	Renfrew.....	Pembroke.....	R. A. Campbell.....	4,940 01
53	Russell.....	Russell.....	J. A. Gamble.....	2,528 24
54	Simcoe.....	Barrie.....	R. J. Sanderson.....	11,577 09
55	Stormont.....	Cornwall.....	J. C. Alguire.....	3,435 65
56	Sudbury.....	Sudbury.....	lS. Fournier.....	7,253 82
57	Temiskaming.....	Haileybury.....	mLorne H. Ferguson.....	9,568 67
58	Toronto.....	Toronto.....	nThos. Crawford.....	102,045 05

the year ending 31st December, 1927, and the sums payable under Section 101 of *The Registry Act*.

Disbursements	Net Income	Percentage under Sec. 101	Net for Registrar	INSTRUMENTS			No.
				Number registered	Number uncopied	Number copied but not compared	
\$ c.	\$ c.	\$ c.	\$ c.				
2,153 66	3,163 50	381 75	1,771 91	1,869			1
1,865 00	3,890 90	745 45	3,145 45	2,844			2
2,830 00	3,736 85	668 42	3,068 43	2,842			3
2,915 75	3,136 46	368 23	2,768 23	2,220			4
7,588 00			4,000 00	44			5
498 00	1,989 60	48 96	1,940 64	1,096			6
700 00	690 40		690 40	785			7
490 00	1,305 20		1,305 20	730	38		8
905 00	981 10		981 10	839			9
2,035 10	4,375 17	987 58	3,387 59	2,934	141	73	10
13,650 64	31,064 32	24,353 39	6,710 93	19,220	153		11
2,342 00	4,420 05	1,010 02	3,410 03	1,851			12
2,130 00	3,139 60	369 80	2,769 80	2,140	80		13
800 00	1,128 30		1,128 30	883			14
500 00	1,499 30		1,499 30	866			15
2,039 57	2,516 73	154 80	2,361 93	3,840	10	10	16
813 35	2,178 12	89 33	2,088 79	1,351			17
911 26	2,603 09	180 90	2,422 19	1,607			18
15 00	874 74		874 74	353			19
1,678 50	3,285 05	442 53	2,842 52	2,008			20
3,122 30	4,013 40	806 70	3,206 70	2,833	62		21
2,044 70	3,831 66	715 83	3,115 83	2,822			22
1,131 40	3,034 09	317 05	2,717 04	233			23
3,543 50	5,889 70	1,744 85	4,144 85	4,567			24
4,602 87	4,675 11	1,066 04	3,609 07	4,278	178	289	25
300 00	1,176 20		1,176 20	620	6		26
700 00	1,190 00		1,190 00	895			27
1,022 80	2,614 69	184 40	2,430 29	1,696			28
320 00	2,253 60	100 72	2,152 88	1,015		176	29
4,447 75	6,443 01	2,198 70	4,244 31	4,114	2,127		30
2,607 00	4,845 05	1,222 52	3,622 53	3,683	20	20	31
767 80	1,027 85		1,027 85	391	5	15	32
1,803 10	5,112 24	1,356 12	3,756 12	3,056			33
600 00	1,552 76	5 27	1,547 49	932			34
1,069 41	3,256 34	428 17	2,828 27	1,213	12		35
5,510 00			3,000 00	1,108			36
2,010 00	3,460 60	530 30	2,930 30	2,434			37
774 00	1,990 05	49 00	1,941 05	1,148			38
495 00	1,156 10		1,156 10	719	186		39
5,459 50	7,320 81	2,988 73	4,332 08	5,544	220	564	40
6,431 20	3,621 30	610 65	3,010 65	4,293	479		41
2,112 00	3,883 60	741 80	3,141 80	2,673	340		42
256 00	1,684 48	18 45	1,666 03	757			43
1,531 00	3,793 94	696 97	3,096 97	2,619			44
1,166 80	3,017 10	308 55	2,708 55	2,041	42		45
491 00	1,251 20		1,251 20	761			46
1,656 00	4,742 75	1,171 37	3,571 38	2,603	47	10	47
2,326 20	4,769 78	1,184 89	3,584 89	1,525			48
550 90	1,918 95	41 90	1,877 05	1,212			49
133 25	1,813 55	31 35	1,782 20	862	4		50
900 00	3,768 55	684 28	3,084 27	36	12		51
1,614 00	3,326 01	463 00	2,863 01	2,154			52
850 00	1,678 24	17 82	1,660 42	1,119	111		53
4,426 36	7,150 73	2,835 65	4,315 08	4,983			54
1,352 00	2,083 65	66 73	2,016 92	1,667			55
2,557 81	4,696 01	1,146 26	3,549 75	611			56
557 83			4,000 00	26			57
55,709 44			8,000 00	445 11			58

Statement showing the earnings, disbursements, net incomes, etc., of Registrars of Deeds for
—Con

No.	Registry Division	Where Office Situate	Registrar	Gross earnings
				\$ c.
59	Victoria.....	Lindsay.....	C. D. Barr.....	3,563 60
60	Waterloo.....	Kitchener.....	O. S. Eby.....	10,972 65
61	Welland.....	Welland.....	E. E. Fraser.....	20,469 31
62	Wellington, North.....	Arthur.....	Jas. Tucker.....	2,585 02
63	Wellington, South & Centre	Guelph.....	C. H. Nelles.....	6,228 00
64	Wentworth.....	Hamilton.....	R. K. Hope.....	29,491 53
65	York, East and West.....	Toronto.....	J. W. Mallon.....	43,096 13
66	York, North.....	Newmarket.....	R. L. Boag.....	4,177 47

*a*J. A. Clermont and staff paid direct by Province. All fees sent to Inspector of Legal Offices

*b*Miss V. A. Scott, deputy until May 5th; R. H. Hodgson appointed.

*c*Land Titles Office included.

*d*Land Titles Office included.

*e*A. MacLean died 12th March, 1927. R. S. La Sueur appointed May 28th, 1927.

*f*C. E. Fisher died 22nd November, 1927; H. W. Byrne, deputy, acting.

*g*Land Titles Office included.

*h*Land Titles Office included.

*i*Land Titles Office included.

*j*Land Titles Office included.

*k*Land Titles Office included.

*l*Land Titles Office included.

*m*Land Titles Office included.

*n*Thos. Crawford paid salary.

*o*H. Hortop died May 29th, 1927; C. H. Nelles appointed August 31st, 1927.

the year ending 31st December, 1927, and the sums payable under Section 101 of *The Registry Act. cluded*

Disburse- ments	Net Income	Percentage under Sec. 101	Net for Registrar	INSTRUMENTS			No.
				Number registered	Number uncopied	Number copied but not compared	
\$ c.	\$ c.	\$ c.	\$ c.				
1,246 00	2,317 60	113 01	2,204 59	1,565	.....	.....	59
4,969 30	6,003 35	1,803 00	4,200 35	5,332	436	.....	60
8,693 82	11,775 49	6,997 94	4,777 55	8,202	5	5	61
1,247 75	1,337 27	.....	1,337 27	1,251	30	200	62
2,483 00	3,745 00	555 68	3,189 32	2,813	389	879	63
17,900 00	11,591 53	6,832 38	4,759 15	14,243	.....	.....	64
19,103 00	23,993 13	17,993 81	5,999 32	19,612	3,353	28	65
1,500 00	2,677 47	203 24	2,474 23	1,756	.....	.....	66

Statement Respecting Land Titles Offices

LOCAL MASTERS OF TITLES, PROVINCE OF ONTARIO, 1927

I.—Local Masters who are also Registrars of Deeds and who remit all fees to the Province and are paid salaries by the Province.

No.	Division	Where office situated	Name	Fees sent to Province	Salaries and disbursements paid by Province	Surplus after deducting disbursements
1	Cochrane.	Cochrane.	J. A. Clermont.	\$12,640 23	Salaries..... \$7,180 00 Other expenses. 408 76	\$5,051 47
2	Nipissing.	North Bay.	J. M. Deacon.	5,401 76	Salaries..... 5,260 00 Other expenses. 250 00	There is a deficit in this office of \$108.24
3	Temiskaming.	Haileybury.	L. H. Ferguson.	9,597 89	Salaries..... 6,430 00 Other expenses. 29 50	3,109 17

II.—Local Masters who are also Registrars of Deeds and who take fees.

No.	Division	Where office situated	Name	Gross earnings, L.T.O.	Gross earnings, Reg. Office	Total gross earnings	Disbursements	Net income	Percentage payable to Province	Net to officer
1	Fort William.	Fort William.	J. E. Swinburne.	\$2,179 30	\$4,582 75	\$6,762 05	\$2,342 00	\$4,420 05	\$1,010 02	\$3,410 03
2	Kenora.	Kenora.	E. A. Cunningham.	3,612 39	553 10	4,165 49	1,131 40	3,034 09	317 05	2,717 04
3	Manitoulin.	Gore Bay.	C. C. Platt.	39 40	1,756 25	1,795 65	767 80	1,027 85	.....	1,027 85
4	Muskoka.	Bracebridge.	C. E. Lount.	1,537 65	2,788 10	4,325 75	1,069 41	3,256 34	428 17	2,828 27
5	Rainy River.	Fort Frances.	W. J. Keating.	4,547 07	121 48	4,668 55	900 00	3,768 55	684 28	3,084 27
6	Sudbury.	Sudbury.	S. Fournier.	5,787 50	1,466 32	7,253 82	2,557 81	4,696 01	1,146 26	3,549 75
7	Port Arthur.	Port Arthur.	J. M. Munro.	3,326 03	3,769 95	7,095 98	2,326 20	4,769 78	1,184 89	3,584 89
8	Elgin.	St. Thomas.	J. H. Coyne.	106 97	6,410 27	6,517 24	2,035 10	4,482 14	987 58	3,496 56

III.—Local Masters who are not Registrars who receive salaries.

No.	Division	Where office situate	Name	Total fees earned	Salaries and disbursements	Remarks
1	Algoma.....	Sault Ste. Marie.....	V. McNamara.....	\$1,661 60	\$3,280 00	There is a deficit in this office of \$1,618.40
2	Toronto.....	Toronto.....	G. W. Holmes.....	38,848 40	37,618 93	

IV.—Local Masters who are not Registrars of Deeds who take fees.

No.	Division	Where office situate	Name	Total earnings	Disbursements	Net earnings
1	Ottawa.....	Ottawa.....	F. A. Magee.....	\$2,531 97	\$622 80	\$1,909 17
2	Parry Sound.....	Parry Sound.....	W. L. Haight.....	3,441 35	1,287 07	2,154 28
3	*Whitby.....	Whitby.....	Judge Thompson.....			

*No returns received.

	Algoma	Cochrane	Elgin	Fort William	Kenora	Manitowlin
1 No. of applications for first registration received.....	1					
2 No. of applications for first registration entered.....						
3 No. of applications for first registration pending.....	1				1	
4 No. of applications for first registration returned.....						
5 No. of special applications received....	34	6		21	36	
6 No. of special applications completed..	7	6		19	36	
7 No. of special applications pending....	27			2		
8 No. of freehold patents received.....	70	292		25	98	8
9 No. of freehold patents entered.....	68	292		25	96	3
10 No. of freehold patents in course of entry.....	2				2	5
11 No. of freehold patents returned unentered.....		1				
12 No. of mining or other lease patents received.....						
13 No. of mining or other lease patents entered.....						
14 No. of mining or other lease patents in course of entry.....						
15 No. of mining or other lease patents returned unentered.....						
16 Orders-in-Council granting land.....						
17 Orders-in-Council entered.....						
18 Land certificates on hand awaiting delivery.....	3	82		3	4	
19 Land certificates delivered to patentees	41	245		22	92	9
20 Office copies of leases delivered.....						
21 Office copies of leases undelivered.....		1	3			1
22 No. of transfers registered.....	173	1,060	18*	176	431	8
23 No. of other instruments registered....	247	1,256		346	340	6
24 No. transmission applications.....	23	93	3	21	30	1
25 No. sale proceeding applications.....	1	5		1	1	
	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
26 Total amount of assurance fees collected.....	295 03	927 85		63 66	156 20	1 75
27 Total fees earned.....	1,661 60	12,640 23	106 97	2,179 30	3,612 39	39 40
Total assurance fees paid during the year in all offices.....	\$3,726 28					

PROVINCE OF ONTARIO, 1927

Muskoka	Nipissing	Ottawa	Parry Sound	Port Arthur	Rainy River	Sudbury	Temiskaming	Toronto	Whitby
		3		2	4			8	
		2			4				
		1		2					
	137		51	25	14	27	66	6	
	137		51	20	11	17	64		
				5	3	10	2		
21	39		69	34	35	129	295		
21	39		69	34	35	129	295		
	44		3	8	1	47	69		
	44		3		1	47	69		
10	1	30	1	3	1	5	26		
11	38		68	31	34	124	269		
	44		3	2	1	44	58		
				6		3	11		
233	297	258	364	209	703	527	849	30 63	
155	593	489	219	248	413	940	1,119	91 75	
29	31		48	15	48	35	61		
	2			1	3	9	6		
\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	
109 35	140 46	2 00	203 36	60 30	117 22	370 65	1,050 35	228 10	
1,537 65	3,104 86	2,531 97	3,441 35	3,326 03	4,547 07	5,787 50	9,568 67	38,848 40	

Statement Respecting Division Courts

REPORT ON THE INSPECTION OF DIVISION COURTS

I have the honour to submit herewith the following report on the inspection of division courts for the year ending 31st of December, 1927.

The total number of claims entered in the courts for the year was 87,329, amounting to \$4,767,283.14. The amount of suitors' moneys actually paid into court totaled \$1,917,774.77 and the total of suitors' moneys paid out of court amounted to \$1,914,564.36 being an increase over the previous year of \$82,217.82.

The total revenue collected from the office as provided by the Public Officer's Fees Act amounted to \$55,547.44 being an increase of \$7,279.10. In addition to this there was collected \$941.52, being moneys remaining unclaimed for a period of six years as provided by Section 43 of the Division Courts Act, making a total revenue of \$56,488.96.

In the accompanying table full details will be found of the business transacted.

Where vacancies occur from death, resignation or removal from office for misconduct, they were filled as they occurred.

Inspection of the offices show a very satisfactory condition of affairs throughout the Province.

The constantly growing division court business requires continual attention.

There are now 339 division court offices with approximately 700 officials, and it is most important that continuous inspection and supervision be given to the officials in order that the public be given proper service.

In order that proper supervision be given it is necessary to do a great deal of travelling over the whole Province.

The correspondence has increased immensely, and a multitude of enquiries for information takes up much time and attention.

The division courts are given satisfaction to the great bulk of the people in whose interest they were brought into existence.

I have the honour to be,

Your obedient servant,

W. W. ELLIS,

Assistant Inspector of Legal Offices.

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1927, inclusive, showing:—

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgments and Judgment summonses	Balance of Cash in Court from the previous year.	Total amount of Sutors' Money paid into Court	Total amount of Sutors' Money paid out of Court	Balance of Cash in Court.	Surplus Fees payable to the Suror Hon. the Provincial Treasurer	Clerk's Returns of Emoluments	Bailiff's Returns of Emoluments	Unclaimed moneys
			\$	£	\$	£	£	£	£	£	£
ALGOMA.....	1	897	54,016 14	528 20	23,348 60	23,678 67	198 13	170 41	2,852 05	1,857 09	.....
	2	61	5,249 48	.....	1,961 33	1,961 33	.....	.....	202 80	228 30	.....
	3	68	3,731 60	.....	2,038 33	2,038 33	.....	.....	258 97	261 15	.....
	6	25	1,543 91	7 85	594 90	602 75	.....	.....	101 93	110 52	.....
	7	190	10,252 30	145 25	3,857 84	3,898 39	104 70	.....	490 20	160 50	.....
BRANT.....	1	1087	77,965 59	221 10	28,976 47	28,972 34	225 23	564 02	4,380 06	2,179 49	1 00
	2	173	5,794 45	47 74	4,173 07	3,743 63	477 18	.....	509 30	450 00	.....
	3	20	1,609 99	.....	355 21	355 21	.....	.....	49 95	48 02	.....
	4	59	2,081 55	180 40	1,960 50	2,138 30	1 60	.....	242 25	125 55	7 00
	5	7	384 22	.....	306 80	306 80	.....	.....	40 95	21 95	.....
BRUCE.....	1	177	12,225 56	.....	3,034 25	3,010 25	27 00	.....	575 60	404 14	.....
	2	58	4,557 96	.....	2,018 49	2,018 49	.....	.....	222 83	81 93	.....
	3	141	4,428 34	112 10	2,934 13	2,366 72	679 51	.....	499 11	304 05	.....
	4	57	2,988 79	.....	1,950 51	1,950 51	.....	.....	157 00	123 40	.....
	5	77	4,321 67	.....	2,309 71	2,301 29	8 42	.....	331 00	286 41	.....
	7	38	1,745 18	.....	1,191 00	1,191 00	.....	.....	150 65	72 90	.....
	8	172	8,176 37	29 43	3,662 00	3,446 90	244 55	.....	715 04	425 90	.....
	9	22	885 35	.....	710 60	710 60	.....	.....	93 05	81 50	.....
	10	27	1,903 73	.....	1,631 38	1,498 28	133 10	.....	105 00	193 65	.....
	11	75	4,000 52	.....	1,717 97	1,717 97	.....	.....	237 70	244 30	.....
	12	120	4,530 38	.....	1,799 23	1,799 23	.....	.....	345 95	218 11	.....
CARLETON.....	1	3721	203,332 96	2,534 25	42,337 97	43,241 95	1,630 27	581 37	15,018 55	9,813 73	8 00
	2	24	1,543 20	.....	491 25	469 25	22 00	.....	91 79	99 65	.....
	3	49	2,925 20	.....	2,098 17	2,098 17	.....	.....	173 87	187 57	.....
	4	41	1,880 50	.....	1,254 85	1,254 85	.....	.....	163 40	194 90	.....
	5	25	2,017 18	14 85	1,166 40	1,166 40	14 85	.....	108 10	108 10	.....
	6	54	2,754 79	.....	2,042 95	1,997 95	45 00	.....	185 00	156 09	.....
	7	1139	32,795 65	138 46	6,542 92	6,599 89	81 49	391 63	3,805 45	2,710 65	27 07

COCHRANE.....	1	334	17,708 71	551 19	12,235 29	12,663 81	122 67	122 00	1,541 00	240 61	42 80
	2	1556	90,697 32	1,542 32	42,580 61	42,487 14	1,635 79	967 33	5,724 45	5,221 63	33 69
	3	115	10,085 00	376 91	10,439 79	10,764 34	52 36		5,75 30	79 65	
	4	522	36,886 63	618 43	16,805 84	16,331 60	1,092 67		1,988 80	1,943 91	
	5	138	11,957 91	31 22	5,268 43	4,796 65	503 00		618 97	644 55	
	6	298	13,933 59	177 33	8,058 72	8,116 73	119 32		958 82	755 50	
DUFFERIN.....	1	231	13,361 78	16 25	5,735 38	5,680 02	71 71		888 29	774 37	
	2	149	7,658 04		4,598 63	4,598 63			448 54	553 37	
	5	73	6,813 72	431 56	3,072 42	3,266 66	237 32		337 74	161 25	
ELGIN.....	1	474	26,438 87		13,111 47	13,111 47		46 65	2,233 25	1,603 48	
	2	4	439 81		300 35	300 35			35 35	56 85	
	3	722	45,815 41		15,799 50	15,768 76	30 24	214 60	3,074 60	1,708 87	
	4	125	8,390 27	82 62	4,711 24	4,724 18	69 68		465 05	710 59	
ESSEX.....	1	91	6,882 86		1,725 64	1,711 30	14 37		315 42	126 75	
	2	269	16,406 32	165 82	7,140 38	7,089 57	216 63		786 15	560 40	
	3	110	9,004 31		4,551 08	4,551 08			662 45	511 20	
	4	104	6,434 71		3,476 20	3,456 20	23 00		498 35	357 70	
	5	336	30,408 83		14,532 02	14,437 02	95 00		1,353 70	1,008 40	
	6	90	8,397 84	123 78	4,160 54	4,284 32		463 48	331 68	197 50	
FRONTENAC.....	7	2584	190,078 21	643 89	44,733 67	44,715 50	662 06	5,481 22	13,774 96	8,634 85	
	8	305	19,109 40	11 35	9,805 30	9,666 15	150 50		1,573 25	1,267 82	
	9	58	4,298 01		4,030 69	4,030 69			305 10	291 09	
	10										
	1	929	54,137 02	183 29	20,245 04	20,055 43	272 90	290 48	3,452 38	2,020 19	
	3	70	4,724 01		1,372 13	1,372 13			160 05	122 27	
GREY.....	4	67	3,794 24	42 09	2,244 47	2,272 01	14 55		314 59	339 95	
	6	78	4,315 07	221 97	2,097 80	2,271 69	48 08		347 90	282 85	
	7	42	1,983 13		592 30	592 30			155 65	124 02	
	1	636	2,383 01	16 65	1,073 28	1,058 81	31 12	26 86	2,134 30	934 00	
	2	148	7,630 32		2,523 64	2,523 64			401 03	353 25	
	3	180	7,859 10	50 75	4,077 94	4,029 61	99 08		607 05	279 73	
	4	111	7,643 39		4,480 26	4,061 33	418 93		492 20	581 63	
	5	92	5,797 96	44 89	1,803 60	1,848 49			395 55	268 92	
	6	23	1,141 19		585 78	585 78			56 97	38 50	
	7	144	8,153 75	16 85	3,079 23	2,944 33	151 75		452 00	403 30	
	8	75	3,614 60	61 00	3,098 80	3,094 80	65 00		279 10	250 00	

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1927, inclusive, showing:—Continued

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgments and Judgment summonses	Balance of Cash in Court from the previous year.	Total amount of Suits' Money paid into Court	Total amount of Suits' Money paid out of Court	Balance of Cash in Court.	Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments	Bailiff's Returns of Emoluments	Unclaimed moneys
			\$	\$	\$	\$	\$	\$	\$	\$	\$
HALDIMAND.....	1	101	6,341 31	897 73	1,702 54	2,165 51	434 76	.....	428 17	.....	.....
	2	52	3,977 91	35 01	1,698 59	1,729 58	4 02	.....	120 48	48 12	.....
	3	184	12,504 78	244 30	3,717 88	3,873 61	88 57	.....	550 70	325 81	.....
	4	91	6,948 22	26 45	2,106 41	2,077 43	54 93	.....	410 90	335 07	.....
	5	14	1,168 41	.....	504 87	504 87	.....	.....	88 05	106 94	.....
HALIBURTON.....	1	37	1,674 62	.....	957 15	957 15	.....	.....	136 84	159 60	.....
	2	88	5,797 38	.....	2,016 56	1,975 56	41 00	.....	200 00	67 40	.....
	3	33	1,786 98	.....	840 66	840 66	.....	.....	181 00	132 90	.....
	4	No business.	.....	.....	.....	.....	.....	.....	.....	.....	.....
HALTON.....	1	173	8,709 14	27 95	4,606 28	4,634 33	.....	.....	599 75	390 69	.....
	2	160	7,929 19	.....	3,955 15	3,923 24	31 91	.....	470 05	272 85	.....
	3	366	17,392 58	724 64	10,148 86	10,774 96	98 54	.....	1,159 70	576 61	.....
	4	103	4,463 29	382 28	2,558 97	2,759 43	181 82	.....	378 50	248 15	.....
	5	39	1,664 65	.....	1,140 45	1,095 45	45 00	.....	131 19	66 80	.....
	6	194	10,893 25	16 00	6,631 64	6,637 64	10 00	.....	891 73	578 15	.....
HASTINGS.....	1	818	38,027 36	1,875 80	15,697 59	15,667 82	1,905 57	316 77	3,555 90	1,879 19	95 67
	2	36	2,470 32	80 73	1,236 55	1,010 03	141 36	.....	269 36	269 36	.....
	3	12	343 75	.....	173 95	173 95	.....	.....	19 62	.....	.....
	4	136	5,004 29	214 48	4,687 15	4,851 98	49 65	.....	478 15	323 20	.....
	5	124	5,297 00	.....	1,785 17	1,785 17	.....	.....	408 74	271 00	.....
	6	299	19,258 10	92 77	6,085 73	5,995 29	183 21	.....	1,069 05	695 65	.....
	7	51	1,716 46	.....	1,276 05	1,273 05	3 00	.....	189 41	195 40	.....
	8	168	5,860 59	.....	2,780 83	2,780 83	.....	.....	592 35	268 53	.....
	9	329	12,576 65	15 60	7,604 02	7,512 57	107 05	.....	1,320 85	794 58	12 60
	10	100	5,390 50	141 66	2,459 67	2,312 92	261 28	.....	318 75	460 40	.....
	11	20	1,140 67	3 63	677 99	681 62	.....	.....	74 40	188 15	.....
	12	241	8,984 63	192 56	2,640 20	2,824 09	8 67	.....	606 40	565 45	.....

HURON.....	1	412	11,124 00	23 75	12,143 75	10,472 90	.....	.....	1,791 59	245 46
	2	109	7,114 51	130 54	2,741 77	2,749 52	122 79	.....	413 20	.....
	3	51	2,470 14	.....	1,944 54	3,146 07	.....	.....	173 95	106 09
	4	73	5,501 79	.....	3,146 07	3,146 07	.....	.....	344 30	334 14
	5	82	4,940 97	28 53	2,801 69	2,817 69	12 53	.....	315 70	235 68
	6	22	1,517 55	91 20	595 51	537 06	149 65	.....	94 10	112 50
	7	16	820 86	.....	307 68	307 68	.....	.....	21 00	42 25
	8	107	5,320 74	.....	2,224 09	2,224 09	.....	.....	406 30	272 93
	9	74	4,967 06	.....	2,738 38	2,738 38	.....	.....	173 17	224 65
	10	54	4,407 54	.....	2,880 07	2,859 67	20 40	.....	187 26	239 15
	11	52	3,182 03	.....	1,501 04	1,501 04	.....	.....	162 30	141 00
	12	29	2,416 45	28 94	848 83	859 17	18 60	.....	168 75	104 60
KENORA.....	1	312	15,927 87	908 82	8,909 38	9,271 87	546 33	.....	1,675 55	447 70
	2	4	438 07	.....	.....	.....	.....	.....	18 00	.....
	3	103	7,316 80	43 40	3,258 73	3,017 78	284 35	.....	375 85	320 30
	4	114	7,520 17	159 91	4,021 08	3,942 49	238 50	.....	331 30	171 55
KENT.....	1	536	41,982 00	869 70	10,580 39	10,668 02	782 07	54 86	2,274 30	963 67
	2	141	9,152 64	96 17	4,566 61	4,650 08	12 70	.....	602 31	445 00
	3	126	5,234 39	.....	4,819 08	4,592 48	226 60	.....	422 04	362 95
	4	233	15,399 00	213 15	10,439 96	10,268 55	384 56	.....	925 95	660 65
	5	276	18,259 04	871 11	9,345 94	9,940 92	276 13	.....	1,243 15	570 40
	6	61	4,483 59	.....	1,345 62	1,345 62	.....	.....	95 00	288 05
	7	361	17,845 98	42 32	8,353 55	8,321 26	74 61	.....	1,193 15	1,656 16
LAMBTON.....	1	1242	73,127 78	655 19	25,499 03	25,983 82	170 40	392 40	3,808 14	1,982 01
	2	82	5,260 40	71 20	2,245 44	2,316 64	.....	.....	310 29	288 65
	3	22	922 51	.....	982 90	982 90	.....	.....	68 35	181 48
	4	51	2,725 12	150 00	1,274 50	1,424 50	.....	.....	180 47	169 18
	5	49	3,699 58	.....	1,818 51	1,818 51	.....	.....	138 38	79 67
	6	53	4,710 23	.....	1,036 83	1,036 83	.....	.....	901 88	92 05
	8	223	13,805 34	324 52	4,220 79	3,930 32	614 99	.....	178 26	408 52
	9	46	4,486 26	.....	1,556 36	1,556 36	.....	.....	162 00	130 50
LANARK.....	1	260	11,033 82	85 43	6,304 24	6,216 58	173 09	.....	1,035 50	583 55
	2	67	3,015 90	20 33	2,064 85	2,075 16	10 00	.....	241 55	366 80
	3	174	8,108 97	.....	2,870 08	2,870 08	.....	.....	696 58	344 33
	4	454	17,149 19	124 78	11,726 58	11,819 61	31 75	.....	1,351 50	805 84
	5	75	2,902 37	.....	1,698 21	1,698 21	.....	.....	249 40	211 56
LEEDS AND GRENVILLE.....	1	589	25,771 99	12 17	12,482 84	12,273 15	221 86	.....	1,835 91	921 32
	2	149	6,707 64	249 21	2,503 87	2,536 36	216 72	.....	498 60	368 57
	3	120	6,475 03	1 50	1,597 55	1,599 05	.....	.....	379 25	261 52
	4	123	6,311 30	9 20	3,289 59	3,205 85	92 94	.....	487 09	312 55

MIDDLESEX.....	1	2033	114,472 76	2,468 61	46,246 02	46,556 66	2,157 97	1,572 16	7,305 40	3,590 47	123 68
	2	155	7,857 92	.....	6,127 64	6,120 64	7 00	.....	496 70	537 25	.....
	3	47	2,127 20	20 75	1,185 98	1,064 98	141 75	.....	142 90	90 00	16 00
	4	52	2,756 15	.....	1,444 72	1,444 72	.....	.....	229 58	246 46	.....
	5	71	4,803 85	100 34	974 22	1,037 23	37 33	.....	333 45	303 90	.....
	6	66	5,540 53	7 72	3,699 02	3,699 02	7 72	.....	242 37	157 30	.....
	7	45	2,859 54	361 21	1,554 32	1,783 50	134 03	.....	134 00	79 52	.....
	8	18	1,549 48	.....	789 69	1,789 69	.....	.....	96 54	162 18	.....
	9	1041	41,894 79	2,271 78	17,815 59	18,211 71	1,875 66	246 89	3,234 47	1,809 43	7 23
MUSKOKA.....	1	139	8,428 37	.....	2,552 39	2,552 39	.....	.....	467 71	370 16	.....
	2	74	3,774 29	144 38	2,942 57	2,980 18	106 71	.....	309 94	338 68	.....
	3	146	5,861 56	.....	2,649 89	2,562 17	87 72	.....	521 93	282 00	.....
NIPISSING.....	1	332	17,838 59	262 00	8,247 98	7,917 64	330 82	211 44	961 69	830 25	.....
	2	49	3,104 92	79 98	998 59	954 05	124 52	.....	163 67	180 75	.....
	3	738	51,427 54	76 21	9,366 16	9,442 37	13 01	.....	3,057 20	1,529 05	.....
NORFOLK.....	1	540	25,956 15	205 60	11,288 94	11,327 08	167 46	.....	1,747 64	1,656 41	.....
	2	129	4,910 03	41 00	2,875 93	2,916 93	.....	.....	415 30	301 63	.....
	3	8	706 77	.....	450 86	450 86	.....	.....	79 80	45 00	.....
	4	55	2,280 51	78 00	1,219 68	1,202 68	95 00	.....	194 66	151 80	.....
	5	28	1,338 84	.....	636 36	636 36	.....	.....	113 27	96 65	.....
	6	138	4,553 23	39 96	2,110 02	2,149 98	.....	.....	438 05	359 02	.....
	7	24	700 60	77 00	331 10	398 10	10 00	.....	129 83	95 76	.....
	8	41	1,660 18	19 41	692 27	659 68	52 00	.....	122 35	51 75	.....
NORTHUMBERLAND AND DURHAM.....	1	151	6,937 48	79 82	3,663 95	3,698 77	45 00	.....	482 80	285 80	.....
	2	48	1,752 40	4 00	1,240 37	1,240 37	2 00	.....	273 08	205 15	.....
	3	244	14,510 96	98 83	7,246 65	7,345 48	.....	.....	905 03	585 58	.....
	4	49	4,082 88	47 53	2,466 87	2,375 78	91 09	.....	208 10	134 07	.....
	5	350	14,282 19	24 05	5,279 68	5,219 12	84 61	.....	939 60	487 05	.....
	6	31	2,208 47	.....	972 55	972 55	.....	.....	164 90	181 05	.....
	7	92	5,989 42	147 25	2,066 70	2,093 66	120 29	.....	419 40	338 46	.....
	8	147	6,101 26	50 29	3,073 53	2,954 39	156 01	.....	550 66	320 00	.....
	9	131	4,426 40	.....	2,091 82	2,067 75	24 07	.....	398 82	414 03	.....
	10	13	411 74	.....	296 77	296 77	.....	.....	51 96	54 70	.....
	11	198	10,179 12	143 09	7,042 10	7,175 14	10 05	.....	685 43	370 92	.....
ONTARIO.....	1	1076	61,524 34	702 93	20,832 67	20,649 35	886 25	601 26	4,504 55	3,283 46	.....
	2	62	4,226 60	3 82	1,944 76	1,948 58	.....	.....	263 36	286 01	.....
	3	111	9,989 25	.....	1,729 00	1,729 00	.....	.....	374 05	398 87	.....
	4	48	3,371 82	38 13	1,384 40	1,422 53	.....	.....	231 92	164 37	.....
	5	31	1,633 08	.....	312 47	312 47	.....	.....	85 30	96 63	.....
	6	42	2,927 19	78 03	1,359 47	1,407 80	29 70	.....	204 74	108 85	.....
	7	28	1,214 14	.....	1,107 22	1,107 22	.....	.....	93 62	99 70	.....

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1927, inclusive, showing:—*Continued*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of Judgments and Judgment summonses.	Amount of claims entered, exclusive of Transcripts of Judgments and Judgment summonses	Balance of Cash in Court from the previous year.	Total amount of Suits		Total amount of Suits		Balance of Cash in Court.		Surplus Fees payable to the Hon. the Provincial Treasurer		Clerk's Returns of Emoluments		Bailiff's Returns of Emoluments		Unclaimed moneys.	
					\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.
OXFORD.	1	730	30,913 66	110 10	15,225 34	53	15,106 53	288 91	120 83	2,604 15	1,286 99	2,604 15	1,286 99	1,286 99	1,286 99	1,286 99	1,286 99	1,286 99
	2	35	2,585 14	15 83	1,051 40	23	1,067 23			167 86	134 43	167 86	134 43	134 43	134 43	134 43	134 43	134 43
	3	33	2,000 00		500 00		500 00			140 50	135 40	140 50	135 40	135 40	135 40	135 40	135 40	135 40
	4	149	8,126 48	2 41	5,190 90		5,025 19	168 17		602 45	495 64	602 45	495 64	495 64	495 64	495 64	495 64	495 64
	5	352	15,484 04	503 39	7,481 33		7,392 29	592 43		1,081 70	489 23	1,081 70	489 23	489 23	489 23	489 23	489 23	489 23
	6	234	18,429 55	9 00	5,237 26		5,176 26	70 00		817 11	519 72	817 11	519 72	519 72	519 72	519 72	519 72	519 72
	7	27	2,215 98		1,503 67		1,503 67			102 44	83 75	102 44	83 75	83 75	83 75	83 75	83 75	83 75
PARRY SOUND.	1	320	14,532 07	383 54	5,552 48		5,413 88	522 14		1,008 45	826 64	1,008 45	826 64	826 64	826 64	826 64	826 64	826 64
	2	8	382 24		246 36		246 36			26 71	29 37	26 71	29 37	29 37	29 37	29 37	29 37	29 37
	3	3	2,050 72		1,471 84		1,471 84			125 40	94 75	125 40	94 75	94 75	94 75	94 75	94 75	94 75
	4	60	5,212 16	127 25	2,140 69		2,185 69	82 25		297 80	265 70	297 80	265 70	265 70	265 70	265 70	265 70	265 70
	5	15	1,172 32		824 17		824 17			50 41	42 78	50 41	42 78	42 78	42 78	42 78	42 78	42 78
	6	53	3,605 25	41 99	1,596 69		1,638 68			241 10	393 10	241 10	393 10	393 10	393 10	393 10	393 10	393 10
	7	79	5,016 80		2,296 74		2,296 74			283 31	201 90	283 31	201 90	201 90	201 90	201 90	201 90	201 90
PEEL.	1	200	9,935 68		5,410 24		5,410 24			535 85	662 70	535 85	662 70	662 70	662 70	662 70	662 70	662 70
	2	73	3,758 59		2,641 87		2,626 87			259 44	204 75	259 44	204 75	204 75	204 75	204 75	204 75	204 75
	3	75	3,809 38		2,154 95		2,154 95			338 75	339 69	338 75	339 69	339 69	339 69	339 69	339 69	339 69
	4	22	1,794 17		724 26		724 26			99 85	64 85	99 85	64 85	64 85	64 85	64 85	64 85	64 85
PERTH.	1	793	40,867 65	135 91	17,369 71		17,055 03	450 59	186 11	2,930 57	1,663 07	2,930 57	1,663 07	1,663 07	1,663 07	1,663 07	1,663 07	1,663 07
	2	197	12,206 30		5,260 55		5,260 55			645 45	397 64	645 45	397 64	397 64	397 64	397 64	397 64	397 64
	3	284	12,873 76		7,058 82		7,058 82			822 49	585 73	822 49	585 73	585 73	585 73	585 73	585 73	585 73
	4	8	230 76	16 97	119 59		136 56			34 60	6 15	34 60	6 15	6 15	6 15	6 15	6 15	6 15
	5	41	2,764 22		2,558 16		2,519 18	38 98		186 95	192 30	186 95	192 30	192 30	192 30	192 30	192 30	192 30
	6	409	26,039 24		15,253 77		15,253 77			1,688 40	1,025 69	1,688 40	1,025 69	1,025 69	1,025 69	1,025 69	1,025 69	1,025 69
PETERBOROUGH.	1	689	36,934 83	31 40	16,180 08		16,160 04	51 44	125 62	2,628 12	1,614 05	2,628 12	1,614 05	1,614 05	1,614 05	1,614 05	1,614 05	1,614 05
	2	50	3,033 60	13 00	1,200 96		1,116 88	97 08		173 55	62 85	173 55	62 85	62 85	62 85	62 85	62 85	62 85
	3	70	4,615 56		2,855 82		2,855 82			291 40	89 85	291 40	89 85	89 85	89 85	89 85	89 85	89 85

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1927, inclusive, showing:—*Continued*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts and summonses.	Amount of claims entered, exclusive of Transcripts and summonses	Balance of Cash in Court from the previous year.	Total amount of Sutors' Money paid into Court	Total amount of Sutors' Money paid out of Court	Balance of Cash in Court.	Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments	Bailiff's Returns of Emoluments	Unclaimed moneys.
			\$	£	£	£	£	£	£	£	£
SIMCOE— <i>Continued.</i>	8	115	8,594 83	344 80	6,309 18	6,638 98	15 00	156 02	410 25	371 61	
	9	651	33,578 47	328 41	16,176 70	15,727 13	779 98		2,780 11	1,791 11	
	10	129	7,140 89		3,174 99	3,174 99			570 10	429 05	
STORMONT, DUNDAS AND GLENGARRY.	1	105	5,814 53		2,890 51	2,890 51			356 25	287 52	
	2	159	9,609 19	20 30	5,479 07	5,458 46	40 91		580 37	485 70	
	3	695	29,077 18	39 85	16,178 58	16,197 46	20 97	130 09	2,650 45	1,818 63	
	4	61	3,601 36		2,120 58	2,120 58			234 68	141 91	
	5	107	6,759 24	67 81	3,504 95	3,527 76	45 00		432 71	385 42	
	6	99	5,571 07	100 00	1,676 18	1,767 18	9 00		345 30	178 92	
	7	70	4,049 79	45 12	1,890 64	1,830 64	60 00		284 75	401 41	
	8	96	7,450 58	41 62	3,385 55	3,367 45	59 72		346 80	234 20	
	9	112	6,587 30		2,091 69	2,091 69			349 99	225 00	
	10	176	12,009 32	28 69	5,775 53	5,675 80	128 42		459 95	591 59	
	11	56	4,921 11	32 00	2,981 92	2,935 42	78 50		307 98	221 20	
	12	121	6,316 27	39 84	3,943 47	3,943 47	39 84		462 63	437 24	39 84
SUDBURY.	1	943	72,778 00	2,795 60	22,161 26	22,466 51	2,490 35	627 49	4,591 65	2,842 37	33 90
	2	56	3,138 41	21 46	961 36	933 07	49 75		444 60	202 20	
	3	80	4,167 48	92 55	2,135 37	2,211 90	16 02		277 45	490 69	
	4	38	2,641 53		1,897 85	1,897 85			188 66	495 90	
	5	100	7,516 05	8 50	1,429 49	1,429 49	8 50		345 25	325 00	
TEMISKAMING.	1	564	42,742 83	416 48	18,286 41	17,818 53	884 36	130 89	2,654 45	1,743 42	290 28
	2	356	21,889 25	61 00	9,168 60	9,191 44	38 16		1,741 06	1,033 50	
	3	192	14,623 49	67 68	7,873 98	7,908 41	33 25		817 75	500 00	
	4	334	25,189 60	415 20	14,638 07	14,095 00	958 27		1,795 35	1,553 36	
THUNDER BAY.	1	628	42,205 52	21 90	17,338 17	17,276 99	73 08	32 07	2,160 33	1,615 86	
	2	60	3,273 10		1,288 54	1,288 54			135 52		

3 4 5	VICTORIA.....	642	45,869 82	1,000 06	19,177 24	18,878 49	1,298 81	68 87	2,344 35	1,584 64
		16	902 30	1 90	528 21	528 21	1 90		47 75	28 60
		24	863 42		230 84	230 84			25 90	
		15	477 14		358 33	358 33			61 69	54 80
		53	3,646 45		1,448 51	1,448 51			191 20	136 85
3		50	2,709 47		1,372 21	1,372 21			153 90	
4		32	2,031 41		700 00	700 00			116 48	93 94
5		383	18,892 92	84 30	7,056 75	7,101 96	39 09		1,160 04	638 00
6		Vacant								
7		51	2,450 79		1,274 87	1,274 87			133 93	147 70
1 2 3 4 5 6 7	WATERLOO.....	1203	72,545 50	503 50	18,993 02	19,378 50	118 02	330 00	3,600 00	1,907 20
		247	11,400 57		5,397 59	5,397 59			844 10	331 90
		602	20,721 40	3 61	10,365 06	10,232 18	136 49		1,732 45	802 40
		204	15,131 25	9 75	8,013 57	7,985 10	38 22		714 45	1,112 92
		108	6,843 22	8 00	3,549 93	3,501 93	56 00		411 25	231 30
		47	3,220 44		1,088 33	1,088 33			212 70	237 77
		15	826 33		962 08	962 08			54 40	44 60
1 2 3 4 5 6	WELLAND.....	1063	53,525 70	246 16	25,117 24	25,030 50	332 90	635 40	4,617 97	2,500 30
		40	1,700 21		955 01	955 01			179 45	
		369	14,254 58	110 98	7,383 33	7,290 11	204 20		1,301 35	1,844 51
		636	41,514 05	2,391 11	14,662 07	14,935 60	2,117 58	226 49	3,132 65	1,942 86
		292	15,117 12	446 59	8,479 97	8,408 64	517 92		1,115 90	794 47
		502	2,549 88	3 08	15,044 70	14,696 00	351 78	25 00	2,125 00	1,052 32
		1350	56,014 63	31 34	25,403 01	25,119 81	314 54	566 67	4,388 90	2,117 00
1 2 3 4 5 6 7 8 10 11	WELLINGTON.....	19	1,246 05		437 50	437 50			115 95	
		22	1,073 80		596 20	596 20			91 15	43 53
		150	9,351 42		5,121 49	5,106 49	15 00		636 46	315 64
		59	2,962 34	23 15	1,486 35	1,509 50			232 16	221 35
		55	1,850 76	48 50	1,239 29	1,267 73	20 06		148 05	90 15
		62	3,373 56		3,398 36	3,398 36			348 13	268 72
		130	10,435 31	313 87	6,407 80	6,196 94	524 73		389 40	306 49
		125	9,170 74	130 59	4,559 95	4,421 84	268 70		564 00	452 22
		150	6,957 03	12 25	3,598 52	3,603 87	6 90		448 90	481 19
		1948	96,732 29	1,581 27	44,829 35	45,187 09	1,223 53	4 30	6,843 50	4,043 06
		169	7,491 42	6 00	3,087 45	3,063 93	29 52	1,387 40	523 40	462 43
3 4 5	WENTWORTH.....	175	9,347 72	173 83	5,444 47	5,590 83	27 47		707 60	389 00
		46	2,592 64		1,585 41	1,585 41			186 20	187 05
		120	5,945 18	28 12	2,606 34	2,541 21	93 25		290 00	31 94
		1993	136,495 92	1,597 80	49,861 13	50,346 96	1,101 97	2 76	8,740 80	4,027 64
								2,146 32		

Return of Division Court business from the 1st day of January, to the 31st day of December, A.D. 1927, inclusive, showing:—*Concluded*

Name of County, United Counties, or District	Number of Divisions	Number of suits entered in Court, exclusive of Transcripts of judgments and judgment summonses.	Amount of claims entered, exclusive of Transcripts of judgments and judgment summonses	Balance of Cash in Court from the previous year.	Total amount of Suits' Money paid into Court	Total amount of Suits' Money paid out of Court	Balance of Cash in Court.	Surplus Fees payable to the Hon. the Provincial Treasurer	Clerk's Returns of Emoluments	Bailiff's Returns of Emoluments	Unclaimed moneys
YORK.....	1	7084	\$ 531,651 94	\$ 2,753 28	\$ 95,507 84	\$ 94,904 40	\$ 3,356 72	\$ 16,660 45	\$ 28,680 60	\$ 13,741 65	\$ 37 81
	2	61	5,734 33	.....	2,556 66	2,556 66	.....	.....	310 95	280 23	.....
	3	121	6,378 78	.....	4,302 41	4,273 41	.....	.....	803 44	495 96	.....
	4	216	12,318 30	76 05	7,325 88	7,379 43	29 00	.....	835 90	906 81	.....
	5	89	4,739 48	153 34	2,997 81	3,148 15	3 00	.....	370 30	212 45	.....
	6	137	9,245 88	41 26	2,980 44	2,933 93	87 77	.....	500 65	358 35	.....
	7	28	2,610 74	.....	1,929 13	1,852 79	76 34	.....	118 49	178 92	.....
	8	1092	73,852 29	240 00	20,982 41	20,854 89	367 52	797 40	5,058 05	3,589 27	.....
	9	855	42,047 63	165 84	13,457 61	13,471 40	152 05	255 63	3,278 18	1,977 10	.....
	10	4767	320,712 80	2,969 81	58,490 53	58,047 47	3,412 87	598 66	18,336 85	9,986 68	7 25
	11	257	13,861 55	6 51	3,281 64	3,174 50	113 65	8,902 60	1,060 05	848 50	.....
Totals.....	339	87,329	4,767,283 14	51,845 36	1,917,774 77	1,914,564 36	55,573 72	55,547 44	.....	.....	941 52

Statement Respecting Police Magistrates

Police Magistrates, Province of Ontario, 1927.

Name	Address	County or District	Salary paid by Province.	Traveling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices
			\$ c.	\$ c.	\$ c.	\$ c.
<i>a</i> Adams, E. E.	Prescott.	Grenville.	1,500 00	113 06	51 00	47 00
Anderson, S. T.	Leamington.	Essex.			266 50	
Andrews, S. J.	Clinton.	Huron.			130 00	
Arnold, S. B.	Chatham.	Kent.	1,000 00		530 00	1,119 85
Arthurs, E.	Espanola.	Algoma.	1,900 00	150 20	496 00	254 25
Armstrong, M.	Markdale.	Grey.			35 00	
<i>b</i> Atkinson, H.	Kemptville.	Glengarry.	1,500 00	16 30	113 00	89 40
Atkinson, S.	Haileybury.	Temiskaming, Cochrane, Nipissing and Algoma.	3,600 00	990 80	3,204 75	2,624 50
<i>c</i> Bradford, J.	Lindsay.	Victoria.	1,200 00	32 38	647 00	287 50
Ball, A. S.	Woodstock.	Oxford.			10 00	
Barr, W. J.	Burlington.	Halton & Twp. Nelson.			225 50	9 30
Bedford, H. R.	Deseronto.	Hastings.			286 00	
Blake, J. R.	Galt.	Waterloo and Brant.	1,600 00		7,162 00	1,284 00
Bond, F.	Port Dover.	Norfolk.				
Bradbury, J. R.	Blind River.	Algoma.			82 00	
Bradshaw, J. W.	Kingston.	Frontenac.	1,200 00	31 68	1,213 00	627 75
Bridgewater, J. T.	Dresden.	Kent.				
§Bristow, E. J.	Bright.	Oxford.				
Brodie, D. M.	Sudbury.	Sudbury and Algoma.	2,100 00	747 60	1,013 00	500 25
Broughton, J. D.	Parry Sound.	Parry Sound.	1,920 00	76 66	651 00	291 50
Browne, E. B.	Victoria Harbor	Simcoe.				
Browne, R. J.	City Hall, Toronto.	See Toronto Police Court.				
Brunton, T. H.	Toronto.	York (See Toronto Police Court.)			2,753 47	394 45
Burgess, C. H.	Port Credit.	Peel.				
Burrill, R. W.	Caledon East.	Peel.				
Butcher, W. R.	St. Marys.	Perth.				
<i>d</i> Beaman, W. D.	Essex.	Essex.			31 00	
Callwood, H.	Tilbury.	Essex.			257 00	
Campbell, J. H.	St. Catharines.	Lincoln and Welland.	1,000 00		1,409 00	999 80
Campbell, W. A.	Port Hope.	Northumberland and Durham.			2,772 00	
Carscallan, A. B.	Wallaceburg.	Kent & Lamb- ton.	1,000 00	4 50	278 00	406 35
Casement, R. R.	Madoc.	Hastings.			428 00	
Chown, S. T.	Renfrew.	Renfrew and Nipissing.	2,500 00	221 67	1,774 25	344 45
Clarke, Joseph.	Ridgeway.	Welland.			290 00	
Clark, W. J.	Pickering.	Ontario.			3,012 00	
Cohen, J.	City Hall, Toronto.	See Toronto Police Court.				
Colville, Neil.	Orono.	Northumberland and Durham.				
Cook, Frank.	Midland.	Simcoe.	400 00		164 00	136 00
<i>e</i> Coutts, John.	Thamesville.	Kent.				
Craig, David.	Arnprior.	Renfrew.			252 00	

*a*E. E. Adams resigned July 1st, 1927. H. Atkinson appointed August 16th, 1927.*b*H. Atkinson appointed in place of E. E. Adams, August 16th, 1927.*c*J. Bradford resigned September 15th, 1927.*d*W. D. Beaman died February 8th, 1928.*e*John Coutts resigned March 24th, 1928.

§ No returns received.

Police Magistrates, Province of Ontario, 1927—Continued.

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
Crawford, R.	Brampton.	Peel.			2,931 00	
Creasor, A. D.	Owen Sound.	Grey.	1,500 00	9 65	1,137 90	379 03
Cummings, W. R.	Eastview.	Carleton.				
<i>f</i> Cockburn, J. D.	Sturgeon Falls.	Nipissing.			240 00	
*Davidson, D.	Mimico Beach.	Toronto-Hamilton Highway.	1,500 00	766 94	8,372 40	4,429 55
Depew, J. E.	White River.	Algoma.	2,500 00	536 90	657 00	590 45
Dever, E. J.	Alexandria.	Glengarry.			50 00	
Elliott, A.	Sault Ste. Marie.	Algoma.			50 00	22 88
Erskine, W. T.	Rockland.	Russell.			74 00	
Falconer, H.	Orangeville.	Dufferin.	800 00	92 35	309 00	365 95
Farrell, J. M.	Kingston.	Frontenac.				
Farnsworth, H.	Huntsville.	Muskoka.			116 00	
Floyd, W. H.	Cobourg.	Northumberland and Durham.	1,200 00	516 80	1,385 70	1,185 80
<i>g</i> Fortier, W. L.	Sturgeon Falls.	Nipissing.				
<i>§</i> Fox, F. J.	Wheatley.	Kent.				
Fraser, Alex.	Niagara Falls.	Welland.			559 00	
Fry, J. S.	Dundas.	Wentworth.			15 00	
<i>h</i> Graham, M. P.	Napanee.	Lennox and Addington.	1,200 00			
Goodwin, John.	Welland.	Welland.			461 00	
Gorman, H.	Sarnia.	Lambton.			50 00	
Gover, H.	Coldwater.	Simcoe & Musk.	1,000 00		180 00	83 95
Graydon, A. H. M.	London.	Middlesex.			1,155 00	
Greig, J. C.	Seaforth.	Huron.				
Gunton, R. E.	Simcoe.	Norfolk.	2,000 00	26 80	584 50	1,004 15
<i>i</i> Gundy, W. E.	Windsor.	Essex.			20 00	
<i>j</i> Hall, Robt.	Ridgetown.	Kent.				
Halpin, P. K.	Prescott.	Grenville.				
Hamilton, T. L.	Listowel.	Perth.			63 00	
Hamilton, Wm.	Uxbridge.	Ontario.			122 50	
Hawkshaw, C. W.	Lucan.	Middlesex.			17 06	
Hellyer, A.	Kenilworth.	Wellington.	1,000 00	146 10	659 75	580 50
Hewson, W. H.	Penetang.	Simcoe & Musk.	500 00		140 00	19 50
Hind, A. F.	Oshawa.	Ontario.			377 00	
Hogg, W. A.	Collingwood.	Simcoe & Grey.	600 00	75 30	344 00	145 50
Holland, H. E.	Gold Pines.	Patricia.	600 00		120 00	10 00
Holland, C. J., and H. L. Cruso.	Fort Frances.	Rainy River.	2,000 00	217 10	1,092 50	490 00
Hopewell, C.	Ottawa.	Carleton.			639 00	
<i>k</i> Hunt, F.	St. Thomas.	Elgin.				
Jakeman, W. A.	Bethany.	Northumberland and Durham.				
<i>l</i> Jarman, G. L.	Bancroft.	Hastings.	1,500 00	363 95	489 00	396 25
<i>§</i> Jarvis, J. J.	Mooretown.	Lambton.				
Jeffs, C.	Barrie.	Simcoe.	1,000 00	22 30	1,508 00	87 55
Jelfs, G. F.	Hamilton.	Wentworth.			50 00	
Jones, J. E.	City Hall, Toronto.					
Jones, S. A.	Brantford.	Brant.			20 00	

*f*J. D. Cockburn died October 11th, 1927. W. L. Fortier appointed December 28th, 1927.

*Salary D. Davidson made \$1,500.00 by Order-in-Council May 26th, 1927.

*g*W. L. Fortier appointed December 28th, 1927.

*h*M. P. Graham appointed December 7th, 1927; salary, \$1,200.00.

*i*W. E. Gundy resigned December, 1927.

*j*Robert Hall resigned November 15th, 1927.

*k*F. Hunt died January 5th, 1928.

*l*G. L. Jarman increased salary to \$1,500.00, October 28th, 1927.

§ No returns received.

Police Magistrates, Province of Ontario, 1927—Continued.

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
§ Jones, Thomas	Forest	Lambton				
Jordan, G. A.	Minden	Haliburton	1,200 00	109 30	475 00	228 75
Joynt, Wm.	Ottawa	Carleton	2,000 00	66 90	1,222 00	455 00
Johnston, R. H.	Essex	Essex			1,062 25	
Kinney, J. A.	Kenora	Kenora	400 00	36 40	205 00	38 50
mKirkland, J. T.	Almonte	Lanark	500 00	75 95	510 00	126 00
Laidlaw, Wm.	Durham	Grey			155 00	
Langley, O. A.	Peterborough	Peterborough	1,000 00	96 05	250 00	234 45
Lawlor, H. W.	Hawkesbury	Prescott	1,000 00		274 00	278 25
Lloyd, J. L.	Northbrook	Lennox and Addington			131 00	55 75
Macartney, J.	Warton	Bruce	2,500 00	64 85	60 00	107 25
nMackay, J. T.	Sault Ste. Marie	Algoma	2,500 00	109 53	425 00	119 30
Major, F. W.	Gore Bay	Manitoulin	1,800 00	909 50	424 00	170 50
Makins, J. A.	Stratford	Perth	1,000 00	37 40	563 00	279 80
yMalkin, W. T.	Bridgeburg	Welland	800 00		65 00	465 00
Massie, J. C.	Dunnville	Halldimand and Welland	3,500 00	1,089 10	306 00	1,309 85
Mikel, W. C.	Belleville	Hastings		7 00	1,223 00	
Matheson, R. A.	Eganville	Renfrew				
Maxwell, C. F.	St. Thomas	Elgin	1,000 00	108 05	978 00	529 05
Miller, A. O.	Avonmore	Stormont, Dun. and Glengarry				
Moore, H. P.	Acton	Halton, Peel and Wellington	2,500 00	125 20	475 00	580 40
oMorrison, P. J.	Glencoe	Middlesex				
Mott, W. S., <i>ex-officio</i>	Juvenile Court.	Toronto				
Myers, J. G.	Bracebridge	Muskoka	600 00	54 05	351 00	284 00
McCormick, W. A.	Amherstburg	Essex			50 00	
McGaughey, C. S.	North Bay	Nipissing	2,000 00	60 25	681 00	253 50
McKay, S. G.	Ailsa Craig	Middlesex				
pMilligan, J. C.	Cornwall	Stormont	1,500 00	12 00	986 00	624 03
qMcCaughrin, D.	Orillia	Simcoe	1,300 00	39 05	405 00	112 30
rMcCormick, John	Winchester	Dundas	1,500 00	22 35	313 00	161 20
McNeely, J. S. L.	Perth	Lanark			15 00	
sMcDonell, D. G.	Cornwall	Stormont, Dun. and Glengarry				
O'Brien, W. W.	Port Arthur	Thunder Bay	1,200 00	23 85	1,024 00	241 20
O'Connor, J. J.	Port Arthur	Thunder Bay	2,000 00	1,254 45	3,190 00	474 05
O'Rourke, T. A.	Trenton	Hastings			352 00	
Page, J. A.	Brockville	Leeds and Grenville				
Palling, Wm.	Fort William	Thunder Bay	800 00	26 20	1,013 70	271 35
Paterson, J. L.	Ingersoll	Oxford	1,600 00	318 45	1,247 00	142 00
Patterson, Dr. M.	City Hall	Toronto			3,338 87	745 88
Patterson, W. W.	Paris	Brant			37 00	
Payne, G. A.	Campbellford	Northumberland and Durham			35 00	
Peden, A. R. G.	Carleton Place	Lanark			50 00	
tPatchell, R. A.						

§ No returns received.

mJ. T. Kirkland increased salary to \$500.00, August 16th, 1927.

nJ. T. Mackay died March 30th, 1927. N. H. Peterson appointed October 5th, 1927.

oP. J. Morrison resigned.

pJ. C. Milligan appointed May 3rd, 1927.

qD. McCaughrin appointed in place of G. H. Clark, deceased, June 17th, 1927.

rJohn McCormick appointed May 3rd, 1927; salary, \$1,200.00.

sD. G. McDonald appointed deputy police magistrate.

tA. R. G. Peden resigned May 1st, 1927. R. A. Patchell appointed May 26th, 1927.

Police Magistrates, Province of Ontario, 1927—*Concluded.*

Name	Address	County or District	Salary paid by Province.	Travelling and other expenses paid by Province	Fines paid through office of Inspector of Legal Offices.	Fees paid through office of Inspector of Legal Offices.
			\$ c.	\$ c.	\$ c.	\$ c.
Pinkerton, J. B. . . .	Elgin.	Lee's and Grenville.				
Poulin, B. R.	L'Orignal.	Prescott.			15 00	
Preston, D. K.	Newboro.	Lee's and Grenville.				
<i>u</i> Pronger, R. H.	Dryden.	Kenora.	1,200 00	9 00	324 00	58 00
Purdy, E. H.	Port Perry.	Ontario.			22 00	
<i>w</i> Peterson, N. H.	Bruce Mines.	Algoma.		155 85	105 00	43 50
Rankin, William.	Napanee.	Lennox and Addington.			10 00	
<i>y</i> Ray, G. R.	Moose Factory.	Cochrane.		133 50		
Reid, C. A.	Goderich.	Huron.	2,500 00	180 90	495 00	566 75
<i>z</i> Ruttan, G. F.	Napanee.	Lennox and Addington.	1,200 00		225 00	148 20
Sampson, J. H.	Gananoque.	Leeds.			10 00	
Scott, W. W.	Moorefield.	Wellington.				
Shields, J. H.	Oakville.	Halton.			1,640 00	
Smart, J. H.	Kingsville.	Essex.				
Smith, W. A.	Sandwich.	Essex.	2,000 00		2,284 00	2,661 50
Sparham, B. E.	Smith Falls.	Lanark.			384 00	
Stewart, J. C.	Pembroke.	Nanfrew.			331 00	
Stewart, Wm.	Pelee Island.	Essex.	300 00			5 00
Stoddard, Thos.	Copper Cliff.	Sudbury.	3,000 00	371 05	2,331 00	1,068 75
<i>§</i> Taylor, Charles.	Drumbo.	Oxford.				
Telford, John.	Hanover.	Grey.				
Thistlethwaite, F. W.	Vankleek Hill.	Prescott.				
Treffry, G. H.	Otterville.	Oxford.				
Trim, Charles.	Milverton.	Perth.			7 00	
Trueman, R. M.	Strathroy.	Middlesex.			25 00	
Tucker, E. R.	Cochrane.	Cochrane, Algoma and Thunder Bay.	3,000 00	1,216 31	1,437 00	2,324 30
Toronto Police Court	Toronto.				1,511 00	
Vance, J. F.	Hamilton.	Wentworth.	1,800 00		3,359 00	1,363 24
Walker, F. W.	Walkerton.	Bruce.	2,000 00	500 35	613 25	544 00
Ward, W. F.	Bowmanville.	Durham.			151 00	
*Watt, F.	Guelph.	Wellington.	1,000 00		1,879 00	744 75
Weegar, S.	North Bay.	Nipissing.			70 00	
<i>†</i> Weir, J. J. A.	Kitchener.	Waterloo.	1,400 00	95 60	1,604 00	683 45
<i>‡</i> Whittington, J. C.	Blenheim.	Kent.			67 00	
<i>°</i> Wholehan, T.	Chesterville.	Stormont, Dundas and Glengarry.				
△Williams, L.	Picton.	Prince Edward.			268 00	
Willis, J. E.	Whitby.	Ontario.			432 00	
Welsh, D. H.	Palmerston.	Wellington.				
Wills, F. J. (<i>pro tem</i>)	Belleville.	Hastings.				
Woodrow, C. S.	Sarnia.	Lambton.	1,500 00	180 05	1,639 00	926 50
Woodman, A. C.	Drayton.	Wellington.			25 00	
Welsh, D. H.	Palmerston.	Wellington.				
Wilson, J. J.	Burks Falls.	Parry Sound.	1,200 00	44 65	419 00	167 00
Zapfe, F. T.	Strathroy.	Middlesex.	1,500 00		726 00	281 55

*u*R. H. Pronger increased to \$1,200.00, December 1st, 1927, to cover all expenses.

*w*N. H. Peterson appointed October 5th, 1927.

*y*G. R. Ray resigned.

*z*G. F. Ruttan died September 24th, 1927.

§ No returns received.

*F. Watt salary increased to \$1,000.00, October 28th, 1927.

*†*J. J. A. Weir, Order-in-Council May 17th, 1927, salary \$1,400.00.

*‡*J. C. Whittington died January 31st, 1928.

*°*Thos. Wholehan died March, 1928.

△L. Williams resigned June 1st, 1928.

Observations, Directions, and Decisions Given by I. A. Humphries, Inspector, in Reference to the Various Offices

LOCAL REGISTRARS SUPREME COURT ONTARIO AND COUNTY AND DISTRICT COURT CLERKS

CERTIFICATE TO BE GIVEN ON A DUPLICATE OF A CHATTEL MORTGAGE

Section 21 (6) of *The Bills of Sale and Chattel Mortgages Act*, R.S.O. 1927, chapter 164, makes provision for the giving to the person registering an instrument, a certificate of its registration, if so requested.

There is no statutory duty imposed upon an officer to place a certificate upon a duplicate, but if the officer is requested to do so, he should do so, and the form which he would use would be as follows:

What purports to be a duplicate original but not certified to be such of the
within chattel mortgage was fyled in the office of the.....court
of the.....of.....this.....day of
.....at the hour of.....o'clock in the.....
noon, as No.....

For this certificate the officer would be entitled to a fee of 25 cents. If, of course, the party objects to this form of certificate and desires to have the certificate state that a duplicate original was fyled, which form of certificate makes the clerk responsible for his statement and necessitates the officer comparing the same with the original in every particular; then if the party desiring such a certificate were willing to pay a reasonable fee for such comparing, such a certificate could be given. I cannot, however, find any statutory authority compelling the clerk to give such a certificate.

In giving the first sort of certificate, as to what purports to be a duplicate original, the clerk is not obliged to compare the documents, but he would examine the instruments to see that they have been signed and the affidavits of execution and bona fides have also been taken and are the same on both instruments.

This seems to be the only reasonable instruction to give to the clerks, particularly as they become responsible when they do certify that it is a duplicate original which has been recorded and necessitates them performing more services than they would in the ordinary course of business.

LOCAL REGISTRAR'S FEES, MECHANIC'S LIEN ACTIONS

A mechanic's lien action is commenced by fyling a statement of claim in the Supreme Court and while it may be tried by a County Court Judge under the Act, yet it is really a trial under the Supreme Court.

The Local Registrar should attend and send his account to the Auditor of Criminal Justice Accounts for the days attendance at the trial, where, if such trial is held in open court, the bill is not usually questioned but paid by the Auditor.

RE FEES ORIGINATING MOTIONS

Tariff B fixes the fee for setting down at 50 cents and the fyling of the notice a further fee of 10 cents making 60 cents for setting down.

Ten cents will be charged for each fying thereafter.
These fees are payable in law stamps which must be attached to the papers and cancelled.

RE DISTRICT COURT FEES FOR ORIGINATING MOTIONS

The only fee I can find in the tariff is number twelve, which is \$1 paid in cash

STAMPS ON CONCURRENT WRITS IN SUPREME COURT

The stamps that are required upon a concurrent writ in the Supreme Court are a \$1 stamp. The item on page 209 of the Rules under the word, "Writs," has been amended to read as follows:

"Writs other than original writs of summons..... \$1.00."

The fee, therefore, for concurrent writs under this item in the Supreme Court would be \$1.

The fee to solicitors on issue of a concurrent writ should be \$10 in the County Court and \$20 in the Supreme Court.

In ex parte applications in Court or Chambers, if the application is necessary, the party applying should be allowed the amount fixed by Items 8 and 10 of Tariff "A," together with his disbursements. If the application is necessary I do not think it matters whether there is one defendant or more.

RE FEES—EXAMINATIONS FOR DISCOVERY

(1) Where a judgment debtor has left the country and the examiner has been notified that the examination would not be proceeded with, the fees would be:

Appointment.....	.50
Attendance when examination not proceeded with unless 24 hours' notice given.....	\$1.00

If the examiner, therefore, did not receive the required twenty-four hours' notice, he would be entitled to charge the \$1 fee above mentioned.

(2) Where parties met in the office of an examiner and the examiner has the stenographer present to take the evidence, but the case is settled before any examination is taken, I see no reason for the taking of any fees except the following:

Appointment.....	.50
Attendance.....	\$1.00

As for stenographer's fees, there is no tariff for a stenographer taking evidence on discovery. The officer usually presides on the examination, charges the fees under Tariff "B," and arranges with the stenographer out of the fees received.

RE FEES ON EXAMINATIONS

There is no express provision for the payment of fees to a shorthand reporter for examinations either in the Supreme Court, or the County Court.

Special examiners in the Supreme Court are entitled to charge the fees set out in Tariff "B" which includes a fee of 10 cents per folio for the depositions.

Local Registrars are by the Act special examiners. See section 98 of *The Judicature Act*.

These fees in the Supreme Court are paid in cash, therefore in making up the report show all fees for examinations received.

If a shorthand reporter is engaged, arrange with her as to what fees will be given her for the work. These should be reasonable and the amount paid her for examinations put in the disbursements of the office.

The same applies to examinations in the County Court.

REGULATIONS UNDER THE CHILDREN OF UNMARRIED PARENTS ACT, 1927 (Effective February 15th, 1928)

1. An application for an Order of Affiliation or for any variation of an Affiliation Order shall be by way of a petition entitled in the County or District Court, and such petition shall set forth the allegations made as to the time and place when and where the intercourse charged took place.

2. The petition and all material to be used upon any application shall be filed with the Clerk of the County or District Court, who shall obtain the appointment from the Judge.

3. A copy of the petition shall be served on the person said to be the father of the child, with the notice of appointment for hearing.

4. The Clerk of the County or District Court shall attend on the hearing of every application and keep a proper minute of the proceedings.

5. The Judge in directing payment of costs under the provisions of the said Act against either or both of the parties to any application shall fix the same in an amount not exceeding the sum of thirty dollars (\$30) in addition to the fees paid or payable in the first instance by the Provincial Officer under Regulations 6, 9 and 11.

6. The County or District Court Clerk shall be entitled to the following fees:

1. Filing each petition (including all other papers).....	\$1.00
2. Each subpoena.....	1.00
3. Sitting as registrar at hearing of each application.....	2.00
If over two hours, for each additional hour but not to exceed \$4.00 in all in any one day	
(The amount payable to the clerk under this item shall be paid by the applicant subject, however, to the discretion of the judge as to reimbursement.)	
4. Entry of Order (including all necessary copies).....	1.50
5. Each search of proceedings.....	.30
6. Copies of papers per folio.....	.10

7. A proper index of all matters shall be kept by the Clerk and all Orders shall be entered in full in a book kept solely for that purpose.

8. The Judge shall be entitled to the services of the reporter of the local Courts upon the hearing before him, in the same manner as if such hearing were a sitting of the County or District Court, and such reporter shall be entitled to the same fees payable in the same manner as if such hearing were a sitting of such Court.

9. Witnesses shall be entitled to the same allowances as under the County Court Tariff.

10. The fees payable by the Provincial Officer to solicitors and counsel shall be as follows:

1. Fee attending on hearing of each application.....	\$10.00
2. Fee on each adjournment under Item 1 arising out of some requirement other than the passage of time, at which evidence is taken.....	5.00
3. Fee on each adjournment under Item 1 arising out of some requirement other than the passage of time, where no evidence is taken.....	2.00
4. Fee attending on hearing of application in cases where default has been made in any agreement.....	5.00

5. Fee on each adjournment under Item 4 arising out of some requirement other than the passage of time.....	5.00
6. Fee attending on application made to enforce any order.....	5.00
7. Fee on each adjournment under Item 6 arising out of some requirement at previous hearing other than the passage of time.....	5.00
8. Fee on consent Order.....	5.00
9. Fee on application to vary Order.....	5.00

11. The fees payable by the Provincial Officer to constables or other persons making service of papers shall be as follows:

1. Service of any appointment or summons.....	.50
2. Execution of Orders of imprisonment.....	1.50
3. Mileage one way, per mile (Items 1 and 2).....	.15
4. Affidavit of service.....	.25

RE MANNER OF TESTING WRITS

Writs of summons are tested in the name of the Chief Justice of Ontario at Toronto, not at the place where the writ was issued.

RE FEES TO OFFICIAL REFEREES

What are the fees to be collected, if any, in a matter referred to under section 67 of *The Judicature Act* to a County Judge?

1. In such a case and in the absence of it being distinctly stated in the reference as to whether it is made to the officer as Official Referee or Special Referee, my opinion is that it is made as Official Referee as a Judge of the County Court, because under section 90, formerly section 86, a Judge of the County Court is an Official Referee.

2. Fees paid, therefore, to Official Referees are set out in section 90 (3) which states that subject to section 69 (4), where an officer is paid by salary, the fees on a reference or trial shall be paid in law stamps and other referees shall be paid in money. The County Judge, therefore, being paid a salary, I would say that the fees would be properly payable in law stamps.

3. I do not think in such a case a Judge could be classed as a Special Referee, nor is he an officer of the Court, therefore the provision in regard to fees to a Special Referee does not govern.

4. The scale of fees would be the same as are payable to Local Masters, section 69 (3) which says that the remuneration, fees, charges and disbursements payable to an Official Referee, and, in the absence of any special direction to a Special Referee, shall be the same as are payable to a Local Master.

Therefore a County Judge, being an Official Referee and being paid a salary, the fees would be paid in law stamps, and the scale of fees would be the same as paid to a Local Master.

RE FEES OF INTERPRETERS

The question of these fees usually only arises on taxations, in cases where the interpreter has been engaged and paid by the party whose bill is being taxed.

There is no provision in the tariff regarding such fees, but in cases of this kind these fees should be treated as a necessary disbursement by the taxing officer and a reasonable amount allowed.

The general practice is to allow what has actually been paid up to the \$5 per diem fixed by the tariff as the fee taxable by professional witnesses.

SURROGATE REGISTRARS

STOCK HELD IN TRUST BY DECEASED

Although stock held in trust may possibly not be considered an asset of an estate, yet it seems to be property possessed which must be administered under the probate and be property in respect to which probate is to be granted.

In my view the prescribed forms used on applications for grants have statutory effect and the facts and allegations that are required under these are essential to the grants.

The petition sets out the value of the whole property of the deceased of which he in any way died possessed, or to which he was entitled, and for and in respect to which probate of the will is to be granted, which petition is verified by affidavit.

In my view it is comprehensive enough to cover stock held in trust, and in this case the bank in question requests that probate be issued in order that the executor could transfer the stock.

Therefore my view is that it is an estate to be administered and is property so possessed and property in respect to which probate is to be granted.

RE REFUND STAMPS CANCELLED IN ERROR ON SURROGATE APPLICATIONS

In all such cases the fee sheet with the cancelled stamps attached will be forwarded to the Inspector of Legal Offices, together with a short statement giving reasons for any refund.

If approved an endorsement will be made on the fee sheet and returned to the officer, and a cheque will issue from the Treasury Department to the proper party entitled to the refund.

SURROGATE FEES ON STOCKS UPON WHICH THERE IS A LOAN

Where the title to shares of stock is in the name of a deceased person, in order to pass title to these shares they would have to be administered, and if there were any loan made by the brokers or other persons on the shares of stock, there is no authority or justification for the deduction of the loan.

It is the property devolving upon the executors to which the grant relates, and it is the estate and property of the deceased that is vested in the executors under the will. Therefore these shares devolve upon the personal representative and should be included in the estate without deduction.

By section 70, chapter 94, *Surrogate Courts Act, 1927*, R.S.O., provision is made that the fees payable upon the value of the estate of the deceased shall be calculated upon the value of the whole estate, including real estate as well as personal estate, but nothing therein contained shall increase the fees payable to the Registrar, such fees being calculated upon the value of the personal estate only.

RE PUBLICATION IN GAZETTE NOTICE FOR ANCILLARY AND RESEALING APPLICATION

There has not been uniformity of practice in the length of notice published in the *Ontario Gazette* for ancillary applications and resealing applications. In my opinion there must be both for ancillary and resealing applications, publication in the *Gazette* three times.

Attached hereto is a memo. which gives my opinion and reasons.

In future, therefore, in order that the practice may be uniform, publication should be in three issues.

RE PUBLICATION OF RESEALING AND ANCILLARY GRANTS

It is to be noted that in several of our Surrogate Court offices, there is only one publication in the *Gazette*, while in other offices there are three publications. The practice is not uniform. The practice should be uniform, and in order to express my opinion on the subject, I will go into the question rather fully.

1. The proclamation published in the *Ontario Gazette* of May 27th, 1893, brought *The Ontario Act*, 51 Victoria, chap. 9, into full force. By that Act, amongst other things, it was enacted that resealing of English grants might be made in Ontario. This was the original of our present section 68, and from that time Ontario Surrogate Courts were authorized to grant resealing of British grants, but this power was not given by virtue of *The Colonial Probates Act*, which was not passed until 55 Victoria, 1892.

2. *The Colonial Probates Act*, 1892, authorized her Majesty the Queen by Order-in-Council subject to any exceptions or modifications specified in the order, to apply that Act to British possessions, when satisfied that the Legislature of any such British possession had made adequate provision for recognition of English probates and letters of administration.

3. *The Colonial Probates Act* authorized a Court of Probate in the United Kingdom to reseal Colonial grants, and by Imperial Order-in-Council, dated March 15th, 1893, to be found in the Ontario Statutes of 1895, *The Colonial Probates Act*, 1892, was made applicable to Ontario and other British possessions, but it did not thereby become an Act of Ontario.

4. *The Colonial Probates Act* of 1892, therefore, is not in force in Ontario as an Act, nor is any English rule made thereunder. Applying that Act to Ontario does not mean giving it the force of an Ontario Act.

5. By section 1 of *The Colonial Probates Act*, that Act could only be made applicable to Ontario by Order-in-Council, not any rules made in England under the authority of that Act.

6. The only force in Ontario of *The Colonial Probates Act*, or as relates to Ontario, was to authorize United Kingdom Courts to recognize Ontario grants by resealing when Ontario by its Legislature (not by Order-in-Council) provided for recognition of United Kingdom grants by resealing them in Ontario.

7. By section 2 (5) of *The Colonial Probates Act*, Rules of Court may be made for regulating the procedure and practice, including fees and costs in *Courts of the United Kingdom* on an application for resealing in the United Kingdom a Colonial grant made in a British possession to which the Act applies.

This being restricted to practice and procedure in *Courts of the United Kingdom*, and did not in any sense provide for practice in the Colonial Courts.

8. *The Colonial Probates Act*, therefore, has been applied simply to authorize United Kingdom Courts to reseal Ontario grants.

9. The rules prescribed under *The Colonial Probates Act* in December, 1892, numbered from 92 to 105, are under the heading, "Additional Rules and Orders for the Registrars of the Principal Probate Registry."

10. No. 94 of such rules is the only one referring to advertisement of notice of such an application, being clearly an application for resealing, and the length of such notice as determined by that rule, is set out by prescribing the form of advertisement in the appendix, which form is, "that after the expiration of eight days application will be made, etc."

11. If this rule applies to our Courts under the authority given by *The Colonial Probates Act, 1892*, section 2 (5), to make rules of Court regulating procedure in Courts of the United Kingdom, the like authority would exist to make rules governing our fees and costs or any other rules respecting an application for resealing in British possessions. No such authority has been assumed or ever conceded.

12. Even assuming that this rule applies as to length of notice, then it would seem the form prescribed by that rule should be followed, thus requiring eight days' notice, which would require two insertions in the *Gazette*, and not one.

13. There is no Surrogate Court rule in Ontario specifying the length of notice to be published, but there is a rule, No. 68, which provides that, "where no provision is made in these rules, or in the Rules of the Supreme Court, and no analogy can be found therein, the practice shall be as in the Probate Division of the High Court in England."

This rule, however, cannot and should not be invoked and is not applicable because express provision in Ontario for publication of notice is found in section 30 of *The Surrogate Courts Act*.

14. Applications for probate and letters of administration which are within section 30 of *The Surrogate Courts Act* comprehends applications for ancillary grants whether the original grant be made in a United Kingdom Court, a Court of any other Canadian Province, of any other British possession or by any foreign Court, and in all such cases publication in three successive issues of the *Gazette* is imperative under this section 30.

15. Section 68 of our Act, notwithstanding that it is under the headline, "Ancillary Probates and Letters of Administration," relates to applications for resealing only and is silent as to publication of notice, except possibly as to it being within the discretion of the Judge to specially direct such advertisement.

Thus it would appear that under section 68, publication of notice is not imperative unless such application for resealing under section 68 be treated as an application for a new grant of probate or letters of administration, making section 30 applicable, or unless it can be held that the said English Rule 94 is in force here, and if such rule is in force it would require eight days' notice and consequently two publications.

16. From the foregoing my opinion is as follows:

- (1) Rule 94 (English) is not in force here.
- (2) Sections 30 and 68 of *The Ontario Surrogate Courts Act* constitute our only law on the subject of publication of notice.
- (3) While section 68 (the resealing section) is silent as to publication, all resealing applications are applications for a new grant from our Court and fall within the provisions of section 30.
- (4) Publication for ancillary grants as well as resealing in three successive issues of the *Gazette* is imperative, and once is not sufficient in any case.
- (5) Publication of notice is not merely a point of practice within our Rule 68 but is a substantial element of the only authority to make the grant made requisite or non-requisite by our Ontario Act (section 30), which would be violated by invoking any provision not found in our own Act or Rules which fully deal with the matter.

RE EXECUTION OF BOND BY GUARANTEE COMPANY

The matter of security given and the execution of a bond is left in the discretion of the Judge. No set instructions have ever been sent out in regard to the way these bonds should be executed.

I find that chap. 230, being *The Guarantee Companies Security Act*, provides the authority for the taking of bonds for these companies should have been given by Order-in-Council, and by that Act justification is not required unless in the discretion of the Judge.

There is nothing specific in *The Surrogate Courts Act* or in the rules as to how these bonds shall be executed. For your guidance I will set out what I did find in the Statutes in regard to the execution of instruments by incorporated companies.

(1) *The Registry Act*. Under section 33 of *The Registry Act*, proof for registration of an instrument executed under the seal of the corporation does not require an affidavit of execution by an attesting witness.

(2) *The Land Titles Act* is very strict, and under Rule 60, execution shall be proved by the affidavit of a subscribing witness who may be an officer of the company.

The affidavit of some officer of the company shall also be furnished, stating the official position of the persons who executed the document on behalf of the company, and that they are authorized by by-law of the company to execute such documents.

This rule also requires a copy of the by-law or by-laws conferring the authority to be produced, if the Master requires the same.

Also if the persons who executed the document are not authorized by by-law, then the affidavit shall set out how they are authorized.

(3) *The Bills of Sale and Chattel Mortgages Act*, chap. 164, provides for affidavits of bona fides to be made, and if by the attorney, the authority of the attorney must be attached.

(4) In *The Evidence Act* it is provided that it shall not be necessary to prove by an attesting witness an instrument to the validity of which attestation is not required.

Section 25 of *The Evidence Act* provides that where the original record could be received, a copy of the document, by-law, rule, regulation, proceeding, or any entry in any register or book of the corporation created by charter or statute in Ontario purporting to be certified under the seal of the corporation and the hand of the presiding officer or secretary thereof, shall be receivable in evidence without proof of the seal of the corporation or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof.

It may be that under the above section of *The Evidence Act*, an instrument executed by an incorporated company under the hand of its president or secretary and seal of the corporation, in the presence of a witness who signs, would be acceptable without the affidavit of an attesting witness of the due execution of the instrument.

This is the case provided for by statute under *The Registry Act*, and it might be applied by the Judge in satisfying himself of the due execution of a bond executed by a company. It is a matter which is entirely in the discretion of the Judge, but it would appear to me that if a bond were produced duly executed under the hand of the president or secretary, and the seal of the corporation affixed thereto, and with the subscribing witness also signing, it would be sufficient without the affidavit of execution.

Some Judges, however, might be extremely particular and would require the affidavit of execution, and possibly the copies of the by-laws giving the authority to the officer who signs, as provided in the Land Titles Rules.

This section deals with the fees payable to the Judge and the Crown, in stamps, which fees are based upon both real and personal.

The Legislature expressly allowed the deduction of the actual value of any encumbrance upon any real estate in calculating the value of the real estate. There is no similar provision for a deduction in reference to personal estate.

Further, under Surrogate Rule 2, it is distinctly set out that the petition shall show separately the value of the real property and of the personal property *which will be affected by the grant, etc.* The title to these shares is undoubtedly affected by the grant, and it is the title to the same that will be vested by virtue of the probate in the personal representatives.

It therefore seems clear that in calculating grant fees payable in reference to these shares of stock, that the amount of the loan, obligation or encumbrance should not be taken into consideration. Of course, dealing with the Succession Duty Department, the loan would be included in the affidavit of debts.

The loan against the shares of stock in my view is simply a debt and in the same position as any other debt, whether secured or not, of the deceased.

RE FEES OF SHERIFFS AND CRIER AT TRIALS IN SURROGATE COURT

The Sheriff and Crier shall attend the trial of all contested matters. See Rule 65. The province pays the Sheriff for his attendance on the certificate of the Judge that the matter is contentious, section 29, *Sheriffs Act*, R.S.O. 1927, chapter 18.

The Criers in the districts will also be paid by the province as there is no fee prescribed for a Crier in *The Administration of Justice Expenses Act*, yet he comes under Rule 65, and of course there must be a certificate.

Constables also are paid by the province in cases of the districts. See Item 9 under *The Constables Tariff "A," Administration of Justice Expenses Act*, chapter 126, R.S.O. 1927

RE SURROGATE FEES WHERE EXECUTOR WHOSE RIGHT HAS BEEN RESERVED APPLIES

The question is, what is the procedure and the fees to be charged in cases where the right has been reserved in the probate to an executor to apply for probate.

There should be a petition setting out all the facts, an affidavit upon the application making proper reference to and identifying the original will fyled, setting out the value of the properties by inventories, so that the same will show the property originally inventoried together with such other property as may have been discovered since the original grant, if there be such newly discovered property.

The proofs of the execution and plight of the will, and the will itself, of course, are fyled with the original application. It may be that the original will as fyled, should be marked in the usual way by the applicant and commissioner, identifying it with the affidavit.

Succession duty proofs should not be required in such a case as there is only one succession, but if there has been any newly discovered property Succession Duty affidavits should be fyled and forwarded to the Succession Duty Department.

No grant fees, of course, would be chargeable except on the additional value of other property not inventoried with the original application but since discovered.

In my opinion the proper fee sheet for services rendered (if done) would be as follows:

	Registrar	Judge	Crown
Receiving and examining papers and entering application.....	\$1.00	....	.50
Notice of Surrogate Court Clerk.....	.25	....	....
Certificate of Surrogate Court Clerk.....	.50	....	....
Return of grant to Surrogate Clerk.....	.25	....	....
Receiving and entering certificate Surrogate Clerk.....	.25	....	....
Grant fees.....	1.00	....	....
NOTE: On subsequently discovered property, if any.....			
the usual tariff.....			
Submitting papers with Registrar's report to the Judge.....	.50	....	....
Special attendance of Judge.....	....	1.00	....
Order of Judge.....	....	1.00	....
NOTE: If sealed with Seal of Court.....			
Recording grant per folio.....	.10	....	.50
Preparing new grant of probate issued under Seal of Court.....	1.00	....	....
NOTE: If any subsequently discovered property, over			
\$2,000.....	\$2.00	....	....
Over \$10,000.....	5.00	....	....
Transcript of will, 10 cents folio.....	....	....	....
Attending and entering order.....	1.00	....	....
Search for papers.....	.20	....	....
Fylings, each 10 cents.....	....	....	....
Postage and other disbursements.....	....	....	....

There should be, in my opinion, a new grant made which would recite the first grant and also the fact of the reservation of the right of the other executor to apply for probate, and recite the order of the Judge granting probate to the executor to whom the reserve right has been given, and an engrossment of the original will annexed to the probate.

Where there is dealing in land, this new grant could be registered as it might be necessary in cases of granting discharges of mortgage, etc.

There is a distinction between a grant *de bonis non* and a grant to an executor to whom the right to apply for probate has been reserved.

In the former case the unadministered assets are used as a basis upon which Crown fees are based as they must devolve again upon the party applying.

In the latter it is only the newly discovered property upon which the Crown and Judges Grant fees should be charged.

SHERIFFS

RE WRIT OF SUMMONS—SHERIFFS' FEES

On receipt of a writ of summons for service, it often happens that a Sheriff is required to make two or three trips before actually effecting service, and the question arises as to whether a Sheriff should be allowed mileage.

My opinion is that the Sheriff necessarily travelled the distance twice if he made two trips in order to effect the service, and would be quite justified in swearing to the affidavit that he necessarily did travel those miles to effect service.

Of course the Sheriff must make reasonable and proper efforts to effect service and one can quite understand the abuse that might follow as a result of my view, but I want to be clear on the point that it is only, in my opinion, where a bona fide, proper and reasonable attempt has been made to effect service.

It would not be proper for an officer to make three or four trips simply for the purpose of making fees for himself and then swear his affidavit that he

necessarily travelled the said number of miles to effect service, and I am satisfied that the province has not an official in the service who would do this sort of thing.

This, of course, is only my opinion and has not the force of a decision.

POLICE MAGISTRATES AND CROWN ATTORNEYS

RE SECTION 285 (c) OF CODE

My view is that under section 1081 the power of suspending the sentence would apply to a conviction under section 285 (c) which has been held by the courts. I cannot see, however, that this applies where a fine has been imposed, because if a fine has been imposed then that is in fact sentencing the accused, and therefore under section 1081, there would be no just ground for fining in lieu of imprisonment or suspending sentence of an accused person under section 285 (c) of the Code.

In reference to section 1035 (1), there is power in lieu of any punishment, to fine, but this appears to be limited to convictions under Part XVI of the Code, and convictions by any court in cases of indictable offences punishable with imprisonment for five years or less, and in my view does not apply to convictions under section 285 (c).

There is considerable merit in the argument that in view of the provisions of section 1035 where for the more serious indictable cases a fine can be imposed in lieu of imprisonment, it would seem reasonable that a fine could be imposed in lieu of imprisonment for an offence under section 285 (c). Whether this is good or not, of course, would be for the courts to say.

However, it is my view that for offences under section 285 (c) of the Code there should be no fine.

RE HIGHWAY TRAFFIC ACT—PENALTIES APPLICATION

1. A., convicted of operating a garage in the Town of P..... without a license, contrary to section 22 (1) *Highway Traffic Act*.

I would say that in any offence against the Act within the limits of a municipality or town through which a provincial highway passes or is adjacent to, the intention of the legislation is that the penalty be paid to the municipality. All offences, however, committed on a provincial highway or adjacent to a provincial highway, no matter who is the prosecutor, the fine will be paid to the province.

2. B, convicted of unlawfully operating a motor vehicle, without having obtained an operator's license, on the highway within the limits of the Town of P....., I would say the fine should be paid to the Town of P.....

NO DEDUCTION FROM FINE OF CONSTABLE'S COSTS

Police Magistrates must not deduct any service charges, or bailiff's fees or costs from the amount of any fines, but the same are to be collected from the defendant where costs or part of the same are ordered to be paid by the defendant to the prosecutor, under section 5 of *The Summary Convictions Act* and section 745 of the Code, in Code Cases.

If the case is dismissed and a provincial officer is the prosecutor the constable should forward his bill to the proper department for adjustment, where if a proper one and liability is established the same will be settled.

RE PAYMENT OF STENOGRAPHERS' FEES

1. A stenographic reporter may be engaged under Regulation 16 of *The Magistrates Act* upon the request of either party.

The Magistrate has discretion in this matter and it should be exercised with great care because the fees of such stenographer form part of the costs which a defendant or prosecutor may be ordered to pay. See Regulation 17 (a).

2. If the stenographer is salaried, such stenographer receives no fees for his own use for attendance in cases in a territory for which he receives a salary, and such fees if paid by the prosecutor or by the defendant shall be paid over to the municipality who pays the salary. See Regulation 17 (c).

3. If the stenographer is not on salary, or if on salary acts in a territory not covered by salary, then the fees are paid by the prosecutor or defendant as ordered by the justice, and if not paid by either party, then the same are paid by the municipality in which the offence was committed. Regulation 17 (b).

Assuming, therefore, that the stenographer engaged is not on salary and had been engaged in conformity with Regulation 16, if his fees were made part of the costs against the defendant, the defendant should pay, but if the defendant makes default and does not pay either the fine or costs, the prosecutor pays, and if he fails to pay then the municipality in which the offence was committed is responsible.

This, of course, only applies to fees for attendance, that is, \$2 an hour, not exceeding \$8 on any one day.

If there are any copies of evidence ordered, the bill for the same should be paid by the parties ordering the copies, and if the Crown Attorney orders the copies the account usually is not questioned and on being forwarded to the Auditor of Criminal Justice Accounts or the Liquor Control Board with the Crown Attorney's order attached, is paid.

RE CROWN ATTORNEYS ATTENDING POLICE MAGISTRATE'S COURTS

The duty of the Crown Attorney to attend prosecutions under *The Liquor Control Act* is set out in section 115 wherein it is stated that it shall be the duty of the Crown Attorney within the county in which the offence is committed to attend to the prosecution of all cases submitted to him by the inspector or constable or by an officer appointed under this Act by the Board, or by any officer appointed by a municipal council under section 121, and any council appointing such an officer shall be responsible for the proper fees of the Crown Attorney when so employed by such officer.

It only applies, therefore, to cases submitted to the Crown Attorney, and it was not the intention that all petty cases, like persons charged with being drunk and pleading guilty, that the Crown Attorney should be called in by a Police Magistrate.

The fees that are set out in Regulation 95 are the fees properly payable to the Crown Attorney by the municipality whose officer submitted the matter to the Crown Attorney, but as to these fees the Police Magistrate has nothing whatever to do.

I do think, however, in more serious plead guilty cases that it is quite proper and wise for a Police Magistrate to submit the matter to the Crown Attorney in order that he might bring out any facts that should be brought out, to enable the Magistrate to arrive at a decision as to what penalty should be imposed.

I have found that in many of these plead guilty cases the Crown Attorney was not consulted in any way, the matter settled by the Magistrate in his own

office, and most inadequate penalties had been imposed, whereas if the Crown had been represented, proper evidence would have been adduced which would have caused the Magistrate to impose a much different penalty than he did.

Of course I would also point out that a Police Magistrate has no power under the statute to allow a counsel fee to a Crown Attorney in any case under an Ontario Act.

The Crown Attorney gets these fees in liquor control cases from the prosecutor, as set out in section 115 and Regulation 95. In ordinary summary conviction cases, however, under Part XV of the Code and even under Part XVI, where a fine is imposed or can be imposed, my view is that a counsel fee might well be allowed and levied against the defendant.

To sum up I would briefly say as follows:

1. A Police Magistrate cannot grant a fee to the Crown Attorney under *The Liquor Control Act*, or in cases under any other Ontario Acts.

2. A Police Magistrate may allow a counsel fee to a Crown Attorney in summary conviction matters under Part XV of the Code or cases under a Dominion Act, but a Crown Attorney should not be called in unless the matter is important.

3. A Police Magistrate should not settle any plead guilty cases in his own private office or in open court where it is an important or serious offence without having the Crown represented, and in my opinion, should take some evidence as to the facts so as to be able to form proper conclusions as to penalty.

COPY OF AN ORDER-IN-COUNCIL APPROVED BY THE HONOURABLE THE LIEUTENANT-GOVERNOR, DATED THE 19TH DAY OF APRIL, A.D. 1928.

Upon the recommendation of the Honourable the Attorney-General, the Committee of Council advise that pursuant to the provisions of section 15 of *The Crown Attorneys Act*, Chapter 122, R.S.O. 1927, the following regulations be approved by Your Honour and added to the regulations already passed under the above-mentioned Act:—

(3) Where a Crown Attorney prosecutes a case under any Ontario Act where a Municipality would be entitled to the fine, if any, or any portion thereof, or where any Department of the Provincial Government would be entitled to the fine, if any, or any portion thereof, then such municipality or such particular Department of the Government shall be liable to pay the fees of such Crown Attorney as follows:

(a) All prosecutions under *The Liquor Control Act*, the fees fixed by regulations under that Act.

(b) All other prosecutions, the same fees as provided by regulation No. 2 of *The Crown Attorneys Act* approved by Order-in-Council, dated the 16th day of February, 1928.

ORDERS IN COUNCIL RE CROWN ATTORNEYS' FEES

Copy of an Order-in-Council approved by the Honourable the Lieutenant-Governor dated the 16th day of February, A.D. 1928.

Upon the recommendation of the Honourable the Attorney-General, the Committee of Council advise that pursuant to the provisions of the *Crown Attorneys Act*, section 7 (f) (j), the following general regulations touching the office of Crown Attorney be approved by Your Honour:

REGULATIONS

1. Crown Attorneys when so requested in writing by a Minister, Deputy Minister or other officer in charge of any department of the Government shall cause prosecutions to be instituted and shall conduct the prosecution before a Justice, Police Magistrate, to judgment and to appeal if so instructed to a County Judge, and shall act as counsel generally in the prosecution of all such cases.

2. A Crown Attorney, unless he is remunerated by salary or has had his fees as Crown Attorney commuted, shall be entitled to charge the following fees for the services performed under Regulation 1, to be paid by the department of the Government having the administration of the Act under which the prosecution takes place out of such moneys as may be appropriated by the Legislature for such purpose.

For all work preliminary to hearing and including examination, if necessary, of informations, depositions, etc.....	\$2.00
For conducting the prosecution to judgment.....	10.00
Where case if heard away from county town and actual travelling expenses not exceeding 20 cents per mile one way.....	15.00

Certified,

C. F. BULMER,
Clerk, Executive Council.

These fees mean fees per case.

REGISTRARS OF DEEDS

RE SEARCH OF TITLES BY REGISTRARS WHEN PLAN PRESENTED FOR REGISTRATION

Neither my opinion nor the Registrar's action would really affect the title to any parcel of land in reference to the searching before the registration of plans.

Clause 16 of section 80 of the Act was intended to prevent the registration of plans by persons who had no apparent registered title to the lands affected by the plans. A party may have an apparent title which may be bad even although it is registered.

The Registrar is merely concerned under subsection 16 of section 80 to see that according to his books the person desiring to register a plan is apparently the owner and that he has a *prima facie* title.

The fact of the registration of the plan does not affect any title and it will be for the persons searching the title to any subdivision lots to satisfy themselves as to whether the title of the party registering the plan is a valid one or not.

If there are any recitals, in any deeds or instruments proving title for twenty years back, then under *The Vendors and Purchasers Act*, chapter 153, R.S.O. 1927, the provisions of that Act would apply. It is set out in that Act that in the completion of a contract of sale of land, the rights and obligations of vendor and the purchaser shall, subject to any stipulation of any contract to the contrary, be regulated by certain rules.

The first of these rules is that recitals, statements and descriptions of facts, matters and parties contained in the statutes, deeds, instruments or statutory declarations, etc., twenty years old at the date of the contract, unless and except in so far as they are proved to be inaccurate shall be sufficient evidence of the truth of such facts, matters, descriptions, etc.

Section 2 of the Act also provides that in an action it shall not be necessary to produce any evidence which by section 2 is dispensed with as between a vendor and purchaser, and the evidence which is by section 2 declared to be sufficient as between a vendor and a purchaser shall *prima facie* be sufficient for purposes of such action.

Refer to *Gunn v. Taylor*, 13 O.L.R., page 158.

If there were any such recital twenty years old, and evidence as to this, it would appear to me that the vendor could compel an unwilling purchaser to accept the title and also to maintain an action upon the deeds.

Of course this general rule would have to apply to each particular case.

Registration of the plan does not affect the real title to the property subdivided by it nor will it in law prejudice the title. The purchaser will still be under the necessity, if he wishes to obtain accurate title, to have the title prior to the plan investigated.

I have often had the statement made to me by parties making searches, that they were satisfied not to go behind the registration of a plan, as far as the title was concerned. With this I do not agree and a careful solicitor searching would go behind that plan because the registration of that plan does not certify title in the then owners.

The Registrar's only duty is to see in the entries and abstract indexes that the apparent registered owners sign the plan, that is, those who have a *prima facie* right.

RE DESCRIPTIONS IN INSTRUMENTS

The description required by section 32 of *The Registry Act* is such a description of land that is sufficient to enable the same to be traced or ascertained by a surveyor. There are two parts of the description in this deed referred to me which are open to question.

1. That part of the description as follows:

"Thence easterly following the northerly boundary of the Grantor's land, a distance of 456 feet to a point 498 feet northerly from T..... Road."

The particular part of this description open to question is the description which refers to "the northerly boundary of the grantor's land." In my view a surveyor could not locate the northerly boundary of the grantor's land without enquiry by search or otherwise, and such an enquiry might involve a troublesome and perhaps difficult investigation of title, and if a surveyor did not do this how could he possibly ascertain what the northerly boundary of the lands of the grantor was?

In my view a surveyor is not expected to determine a question of ownership, and furthermore the title of the grantor might be an unregistered one or some title which a surveyor is incompetent to investigate.

Furthermore such northerly boundary may be irregular, following depressions or streams that jog around buildings, etc., and therefore some doubt would arise as to what really is the northerly boundary and, as stated above, would involve investigation of title.

The description could be amended by giving the northerly boundary a description such as follows:

"Thence easterly a distance of 456 feet to a point 498 feet northerly from T..... Road."

2. That part of the description commencing as follows:

"Thence southeasterly to T..... Road following the easterly boundary of the Grantor's land a distance of 498 feet to a point 491 feet from the southwest angle of said Lot 88."

The same question arises here in reference to the "easterly boundary of the grantor's land," and it appears to me that this description could describe the easterly boundary as follows:

"Thence southeasterly to T..... Road a distance of 498 feet to a point 491 feet from the southwest angle of Lot 88."

In my opinion the description as contained in the deed you sent me does not contain a sufficient description to comply with the provisions of *The Registry Act* but with the suggested amendments made herein I think the deed would be in order for registration.

RE REGISTRATION OF WILLS

Under section 55 (5) of *The Registry Act*, "all wills shall be recorded in the general register and properly indexed . . . etc "

If it is desired that the same be registered against any specific lot it can be done by registration of a statutory declaration under section 32 (3 and 4). The statutory declaration will be recorded in the proper register and particulars entered in the abstract index book of the land, and in all other necessary books.

You will charge, of course, the usual fees for recording the probate and also 50 cents for the declaration.

RE WITNESS TO INSTRUMENT

Where a witness to the signature of an instrument executed in Greece did not sign, but there is attached an affidavit by another party that he had seen the witness sign the instrument, two courses are open.

1. Return the deed to Greece and have the witness sign.
2. Make application under section 39 of *The Registry Act* to the County Judge for a certificate.

RE FEES REGISTERING MORTGAGE

There was referred to me for decision a dispute between a Registrar and a Solicitor in reference to an account for registering a mortgage which in the body of the instrument so states to be in triplicate, but only two originals were forwarded to the Registry office.

The charges were made as follows:

Registration of mortgage.....	\$1.50
To certificate on triplicate.....	.50
Comparing.....	1.60
Postage.....	.05
Total.....	\$3.65

It is only in cases where a third or fourth copy, as the case may be, is received and the Registrar is requested to endorse a certificate of registration when he is entitled to charge an extra fifty cents for the certificate on the triplicate, and also the fee for comparing.

The correct fees, therefore, in this case would simply be the fees for the registration of an ordinary mortgage sent in duplicate, as a matter of fact, the Registrar only received the two copies and there was no third copy, and the fees, therefore, would be for registration of the mortgage and the fees for postage making a total of \$1.55.

RE DISCHARGE OF MORTGAGE BY TRUSTEE IN BANKRUPTCY

What should be necessary to enable a trustee of a bankrupt to discharge a mortgage using the statutory form of discharge?

The Bankruptcy Act requires registration of receiving orders and authorized assignments in bankruptcy, to be made in the proper Registry offices in which

the whole or any part of any real or immovable property which the bankrupt or the assignor owns or *in which he has any interest or estate*.

See section 11 (8) *Bankruptcy Act*, 1919, and all subsequent amendments.

The receiving order or assignment must be accompanied by an affidavit as set out in section 11 (11) *Bankruptcy Act*.

Where the title to real or immovable property or *any lien or charge against that particular class of property* is affected by any receiving order or authorized assignment, then there shall be added to such affidavit, words with the necessary description and information giving a reasonable description of the property affected as may enable the Registrar to identify the affected property and to discover how it is affected, see section 11 (11).

In my opinion, therefore, the mortgage which is proposed to be discharged, represents an interest or estate, held by the debtor as a charge or lien against the lands and the receiving order in this case should be registered in accordance with the provisions of section 11 of *The Bankruptcy Act* above referred to.

There also must be evidence proving that the Trustee has been properly appointed at a meeting of creditors, section 15 (1), *Bankruptcy Act*.

In the case of an authorized assignment, proof of this is made by the official receiver, certifying thereon, the name of such trustee, see section 9 (5). This section does not extend to receiving orders and proof can be obtained of the appointment in two ways.

1. By having a copy of the minute or proceedings appointing the trustee, signed by a person describing himself as chairman of the meeting at which the minute is signed. See section 77 (1).

2. Production of a copy of the gazette notice, section 77 (3).

When the statutory form of a discharge of mortgage is used, then the provisions of *The Registry Act* in reference to the registration of the same when given by persons other than the mortgagee, must be strictly followed. Section 64 (1) of *The Registry Act*, R.S.O. 1927, chapter 155.

The above section 64 requires that there be registered before the registration of the certificate of discharge, all the instruments or documents through which the party discharging claims interest in and title to the mortgage money, and until these instruments or documents are registered, the Registrar shall not register such certificate of discharge.

My opinion, therefore, is that the statutory provisions of *The Bankruptcy Act* must be followed and the receiving order registered in your registry division, where the title or interest to the land is affected, and have attached, thereto, the affidavit setting out the lands affected.

When this is registered the discharge of mortgage should set out the registration of the same and also the proof of the appointment of the trustee, which can be done either by a copy of the minute or reference to the notice in the *Canada Gazette*.

It may be that the Inspectors should, under section 20 (1), attach their consent in writing, but I do not think that this is a matter which the Registrar need bother himself about as it will be for the parties searching and passing title to decide whether the Inspectors should affix their consent in writing to this dealing or not.

RE HIGHWAY PLANS AND RAILWAY PLANS EXPROPRIATING LAND

Land plans under *The Highway Improvement Act*, chapter 54, 1927 Statutes, section 59 (2), expropriate land.

Certain plans under *The Dominion Railway Act* and other railway Acts, expropriate land.

Such plans under the above-mentioned Acts or under any Acts which operate as expropriation instruments must be noted upon the abstract of each part of land affected by the plan. This note should be similar to the following:

Number of Instrument	Instrument	Its date	Date of Registration	Grantor	Grantee
Plan	2500	Jan. 4, 1927	Jan. 6, 1927	Minister of Public Works and Highways of Ontario, preliminary land plan.	

RE DESCRIPTION IN INSTRUMENTS

A description in an instrument refers to the south boundary of the "B" highway. The question arises as to whether such description is sufficient and would the Registrar be justified in refusing to register an instrument with a description containing such a reference.

Registrars usually assume that posts, fences, buildings, wells and other landmarks do exist, and do not enquire as to the same.

The Registry Act does not propose to consider the Registrar but rather the surveyor, and the only question in the Act is whether the surveyor going upon the ground with the description in his hand can locate the piece of land intended to be dealt with.

"B" highway undoubtedly is a landmark and can be ascertained by a surveyor going upon the ground, and I think the Registrar would not be justified in refusing the instrument with such a reference, provided the remaining portion of the description is sufficient.

RE REGISTRAR'S FEES

A dispute was referred to me by a solicitor in reference to the fees charged by a Registrar for registering a probate of a will. The fees charged were as follows:

Probate.....	\$2.60
Certificate.....	.50
Comparing.....	.30
	<hr/>
	\$3.40

I decided this dispute as follows:

The probate contained 1,042 words, and in addition to being recorded in the General Register required to be abstracted against the east half of a lot in a township and the north half of another lot in the same township, and the fees to be charged therefor are as follows:

First 700 words.....	\$2.00
Next 400 words.....	.60
Certificate.....	.50
Comparing at 15 cents folio.....	.55
	<hr/>
	\$3.65

The certificate included in section 92 (a) is limited to a certificate on a duplicate and therefore the Registrar's certificate on the verified copy of a probate is not a certificate upon a duplicate, and the 50-cent fee is proper to charge.

Under section 55 (2) the correctness of the sworn copy shall be verified by the Registrar or his deputy, and as there is no fee prescribed for this, under section 93, I fixed the fee at 5 cents per 100 words for comparing.

RE FEES FOR REGISTRATION LAND IN TWO TOWNSHIPS

1. As to registering a mortgage with land in two townships in the same county.

Assuming the mortgage is not to be registered in full and there are not more than four distinct parcels of land having separate headings in the abstract index in each municipality, I would say the proper fees would be as follows:

Registration of mortgage (Section 47 (3) Registry Act).....	\$1.50
For second parcel (Section 47 (4) Registry Act).....	.25
Extra certificate for second parcel of land.....	.50

The fee for registration of a mortgage is specifically provided in the Act itself by the above-named section and does not fall within the provisions of section 92.

2. Fees for discharging a mortgage embracing several lots will be found set out in section 92 (p).

3. Fees for registering an assignment of such mortgage are those provided in section 92 (a) and (b).

RE INSTRUMENTS UNDER SEAL

I have not been able to find any provision whereby a particular form of corporate seal is required in cases of documents executed by incorporated concerns.

I do not think a Registrar should take the responsibility of rejecting an instrument which purports to be and apparently is sealed with the seal of a corporation.

The fact of a seal being printed on the instrument is evidence that the instrument purports to be executed under seal, I would say that that appears to be according to the actual fact.

I would suggest that an entry be made on the abstract index to the effect that the seal is printed.

OTHER CASES

If an instrument comes in and there are no seals upon it, which instrument purports to be under seal and the affidavit is attached, I see no reason why a Registrar should take the responsibility of rejecting such an instrument. The Registrar should, however, in the certificate of registration state that although the instrument purports to have been executed under seal, it does not appear to be under seal. This statement will be according to actual fact because the affidavit attached proves that it was executed and sealed. It may be that it was sealed when executed and the seals have come off.

Where possible in such cases I would suggest that the party who desires registration be given an opportunity to affix seals, although I do not consider, as stated above, it should be rejected because it is not, apparently, sealed.

In all cases it is proper to call attention to the fact in the abstract index, and the certificate of registration, if the instrument has no seal but purports to have been executed under seal.

REGISTRATION OF WILL—BOTH WITNESSES DEAD

Obtain letters of probate, producing the proofs required therefor—and then register, or else if it is only desired to register the will under section 56 of *The Registry Act*, obtain a certificate from a Judge of the County Court under section 41.

Section 41 in my opinion applies to the case of a will, because by clause (d) of section 2 of *The Registry Act*, the word “instrument” includes a will.

Registrars having produced for registration wills where execution is proved by a certificate of the Judge in my view would not be justified in refusing the same for registration provided all other provisions of section 56 are duly complied with.

RE DISCHARGE OF MORTGAGE

Can a discharge of mortgage given by a survivor of two mortgagees without requiring execution by the executors or administrators of such deceased mortgagee be accepted for registration?

This question also arises, requiring an answer, can a discharge of mortgage by an executor or an administrator of a survivor of two or more mortgagees without requiring execution by the executors or administrators of the deceased mortgagee who died before the survivor died, be accepted for registration?

Prior to the amendment to the old section 67 of *The Registry Act* by chapter 38, 17 George V, 1927, section 9, which section now in its amended form is section 66 of *The Registry Act*, chapter 155, R.S.O. 1927, a discharge of mortgage executed by the survivor only, or by the administrator or executor of the survivor only, could not be accepted for registration. See my report 1926, page 83.

The amendment made in 1927, however, strikes out of the old section, these words, “by the mortgagee, his executors, administrators or assigns,” and you will not find these words in the new section 66.

The effect of this amendment in my opinion does away with requiring executors or administrators of a deceased mortgagee from executing the statutory form when there is a survivor and the survivor executes the discharge, or when there is an executor or administrator of a survivor and such administrator or executor executes the discharge.

My reasons for this statement are as follows:

1. Section 61, R.S.O., chapter 155, provides that such statutory form of discharge may be executed by the mortgagee, his executors, administrators or assigns, *or by such other person as may be entitled by law to receive the money and to discharge the mortgage.*

2. Section 66 as amended, which is the section which gives effect to a discharge of mortgage of a release or a reconveyance, makes no mention as did the old section 67, as to an execution by a mortgagee, his heirs, executors or assigns, but simply states, “every certificate of payment or discharge of a mortgage or of the conditions therein or of the lands or any part affected at any time given, etc., etc., shall, when registered, be a discharge, etc., etc.”

3. Section 10 of *The Mortgages Act*, chapter 140, R.S.O. 1927, provides:

“The payment in good faith of any money to and the receipt thereof by the survivor or survivors of two or more mortgagees, or the executors or administrators of such survivor, their heirs or his assigns, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof, unless the contrary is expressly declared by the instrument creating the security.”

4. The person, therefore, entitled by law to receive the money, as set out in section 61 of *The Registry Act*, in my opinion, means the person who is entitled to discharge the mortgage by statutory certificate, such person being the survivor or the executor or administrator of such survivor.

In making the entries, however, in the abstract index book, it should be shown by whom the discharge is given, and it will be for the person searching the title to satisfy himself as to the sufficiency of the discharge.

Care should be also taken to have proof as to who is the survivor, and of course all instruments through which the person executing the discharge claims the right to do so, should be registered and the original instrument should also be examined to see if it contains any express declaration as to who may execute the discharge or if there is anything contrary expressed therein to a survivor or an executor or administrator of a survivor receiving the money.

This matter is discussed by Falconbridge in his *Law of Mortgages*, page 314, where it reads as follows:

"Formerly a certificate of discharge executed by the mortgagee, his assignee or such other person as might be entitled by law to receive the money and to discharge the mortgage, when registered operated as a reconveyance. In view of the statutory provisions authorizing the survivor or survivors of two or more mortgagees or the personal representatives of the survivor to give a receipt, it was held that such surviving mortgagee or mortgagees or personal representatives might execute a discharge which, on registration, would operate as a reconveyance.

"Under the wording of old section 67 of *The Registry Act*, however, a discharge must be executed by the mortgagee, his executors, administrators or assigns in order that it may, when registered, operate as a reconveyance; and it appears, therefore, that in the event of the death of one or more mortgagees, a discharge must be executed by the personal representatives of the deceased mortgagee or mortgagees as well as by the surviving mortgagee or mortgagees in order to operate under the statute."

Prior, therefore, to the insertion of the words, "his executors, administrators or assigns," one or more surviving mortgagees could give a discharge following *Dilke v. Douglas*, 5 A.R., 63, the headnote of which cases reads, "The registration of a certificate given by a survivor of several mortgagees upon payment in money of the mortgage debt effectually discharges the mortgage and reverts the legal estate."

Therefore under legislation as it stood prior to the 1927 amendment the rule in *Dilke v. Douglas* would not apply and the Registrar would be justified in refusing registration, but since the words, "his executors, administrators and assigns," and the words "by the mortgagee," have been eliminated, it would appear to me that the law is as it was under *Dilke v. Douglas*.

RE COPYING OF MORTGAGES

When sale is made under Power of Sale, section 57 (5), the mortgage should be copied in full in the Registry Book giving it the old number, and the original filed in the office will be used from which to make the copy and entry.

A note in red ink should also be made in the Abstract Index Book showing that the same has been copied in full in the Register.

RE BANKRUPTCY ACT FEES—CERTIFICATES

While two searches are really to be made for bankruptcy certificates in the Gazette Notice Book, and also in the book for assignments and receiving orders, and register, I am of the opinion that one certificate should cover both searches and that the fee to be charged is 50 cents.

RE PREPARATION OF ABSTRACTS AND FEES

When a Registrar is requested to prepare an abstract of a specified portion of a lot as described in a certain registered instrument the manner in which the work should be performed and the fees to be charged is as follows:

- 1. Limit yourself to the particular specified description.
- 2. Examine carefully the abstract index of the lot and with the particular description as a basis, only plot upon the abstract to be made, the instruments which mention or refer or affect the particular piece of land.
- 3. In order to so plot such instruments you will find that you are required to refer possibly to a number of instruments shown on the abstract in order to ascertain if they do affect or refer to the land in question.
- 4. If on the reference to these instruments you have any doubt as to whether they actually do affect the piece of land for which the abstract is being prepared, or not, then those instruments should be plotted upon the abstract.
- 5. A record should be kept of the number of these references in order that when the abstract is completed the same may be included in the bill of fees. The fees for such references are set out in section 92 (c) of *The Registry Act* and are as follows:

Search and four references.....	.25
Five cents for each additional reference up to fifty.	
Five cents for each two additional references over fifty.	

6. There will be no doubt a number of instruments examined which are not recorded in full, necessitating the examination of originals (e.g. mortgages not recorded in full). A list of these originals examined should also be kept and the fees to be charged for these is 10 cents for each original produced and examined.

7. In addition to the fees above set out are the following:

Abstract—First folio.....	.25
Additional folios at 15 cents a folio.	
Reference to plan (if any).....	.10
Certificate.....	.50

It will be found in many instances that in lots where there are a great many instruments with meets and bounds descriptions, that the completed abstract only contains a very few entries—while the fees for the same appear to be high—yet the same are caused by the great number of references made and originals examined, which do not appear on the abstract as completed.

Clause c of sec. 92 of the Registry Act in my opinion limits a general search to \$3.00 fee, but does not apply to searches required to be made by a Registrar in connection with the preparation of an abstract.

LAND TITLES

DEVOLUTION OF ESTATES ACT, POWER TO SELL GIVEN IN A WILL

Where there is express power given in the will to the trustees and executors to sell, the provisions of *The Devolution of Estates Act* do not apply.

This also extends where there is implied power to sell in a will, but in the latter case great care must be exercised by Local Masters. See report 1926, page 69.

RE DEVOLUTION OF ESTATES ACT

In view of the 1927 amendment to the above Act and the judgments of the Second Divisional Court re the estate of Kenneth John Alliston which was argued September 26th, 1927, and reported in volume 33, O.W.N., page 59, and more fully reported in O.L.R., and which granted an appeal by the executor and the devisee from the refusal of Meredith, C.J.C.P., to make an order under section 21 for directing the executor to convey to the devisee within three years, so that a purchaser from a devisee by virtue of section 24 (1) would be entitled to hold the same free from the debts.

My view is that until a clear cut judgment states that a personal representative can sell free from the debts of the deceased without the concurrence of the heirs and recourse to the court order under section 21 (4) (now section 20 (4), R.S.O. 1927, chapter 148), the debts follow the land until the expiry of the three-year period.

The only way a personal representative whose powers depend solely on *The Devolution of Estates Act* can transfer free from debts without submitting the matter to the court under section 20 (4) within the three years, is, when he sells, to pay the debts, provided the sale is bona fide and for value. In all other cases the debts follow the land for three years, and the only alternative is to obtain a court order.

Where an executor under a will is given executor's power to sell, or where there is an implied power in the will to sell, *The Devolution of Estates Act* does not apply, but in all such cases the particular will must be carefully examined and if there is any doubt as to the power to sell inferred therein, reference should be made to the Inspector or the Master.

The Devolution of Estates Act in no way takes away or destroys the powers given to executors and trustees by the testator. The sole effect of the Act is to give additional powers to executors and similar powers to administrators under certain circumstances. Executors and administrators are given by the statute the right to sell lands. Primarily this right is to be exercised under payment of debts and it may also be exercised for the purpose of distribution.

I would also draw your attention particularly to section 43 of *The Trustees Act*, R.S.O. 1927, chapter 150, which section in effect gives power to raise money by sale or mortgage to satisfy charges, notwithstanding the want of executors' power in the will.

RE DEVOLUTION OF ESTATES ACT

1. Suppose the personal representative transfers to the beneficiary within the three years and without an order of the court, and the beneficiary remains the owner for, say, five years, and then sells, does the purchaser obtain a good title free from debts of the deceased unless some legal action has been instituted?

ANSWER.—Yes.

2. Where a sale is being made for the payment of debts, just what proofs should be demanded to show that it is necessary to sell to pay the debts?

ANSWER.—If there is a will and it permits the executor to pay the debts, there is no doubt the affidavit of the executor is sufficient. Where it is administration or the will does not provide for the payment of debts, take the affidavit of the personal representative and also obtain some particulars as to lack of funds to pay the same and as to the nature of the debts.

3. Do you consider that a chargee is a purchaser for value within the meaning of *The Devolution of Estates Act*?

ANSWER.—A chargee is no doubt a purchaser for value, but the personal representative cannot always charge land the way he might under power to sell.

The personal representative is not often required to charge land; when he does so it should be looked into very carefully.

4. Does a purchaser from a personal representative with the concurrence of the beneficiary, take the land during the three-year period free from the debts of the deceased?

ANSWER.—No. He does not take them free from debts until after the three years have expired.

5. Prior to the amendment under section 21, a personal representative with concurrence of the beneficiaries could sell for any purpose, and a purchaser would take as provided under section 23. Does the purchaser now take free from debts unless he obtains an order of the court?

ANSWER.—No. He does not take free from debts until after the three year period, unless, of course, he obtains an order of the court.

If the will in question to which letters of administration with the will annexed had been granted does not give express power to the executor named therein to sell the land and he sells the land within the three years, and the beneficiary joins, the entry made in your books must be subject to debts.

If the purchaser desires to have the land within the three years entered not subject to debts, then an application should be made to a Judge of the Supreme Court for a court order.

Such application would be a simple matter and the evidence produced before the Judge of the Supreme Court would simply be that the debts had all been met, and any other evidence the Judge might require. See section 20 (8) D.E.A., chapter 148.

RE FORECLOSURE ORDERS

See 1926 report, page 78, and also see re West 33 O.W.N., page 252. This judgment, in brief, is, that the Master should record the mortgagee as owner if he finds that all persons having claims subsequent to the charge are foreclosed by the decree.

Of course it is limited to those who have been made parties to the action.

The only requisition that might well be made would be to have proof that there has been no appeal or application to open the foreclosure.

AS TO GIVING CERTIFICATES UPON PRAECIPE

Where a parcel is opened up for several pieces of land in one owner, and later transfers are given of separate pieces and new parcels are opened up—care should be taken by the Master or Local Masters, in issuing certificates.

Rule 65 (1 and 8) distinctly distinguishes between "Register of the Parcel" and "Register of the Charge," and the construction which has been placed on this rule ever since the Act came into force is that the "Register of the Land" is one thing and "The Register for dealings with Charges" is another completely different thing.

Mr. Scott in his observations says:

"Wherever land is entered in a new parcel subject to a charge, a reference should be made in red ink to the place where the charge is first entered as this is the place where dealings with the charge originates and where, as a general rule, all such dealings are entered."

The Parcel Register where the charge is first entered is also the register of the charge and it so remains until a change is made by the Master—Rule 65 (8).

The authority given to the Master by Rule 65 (8) to change a Register of a Charge to another place should not be acted upon unless special reasons exist.

The result, therefore, is that the dealings with the charges are continued in the Charge Register and in a very few exceptional cases, where there are very special reasons, does the Master change the register of a charge.

Of course where the land in the new parcel is discharged from a charge by a partial cessation or a complete cessation of the charge, this is noted on the new parcel.

Applying this in a concrete case: A solicitor is desirous of obtaining a certificate showing ownership of a parcel, he requires this for the purpose of a foreclosure so that he may be able to serve all parties that require to be served.

The Local Master on receipt of the praecipe looks up the parcel and prepares the certificate.

In many cases the parcel searched covers a piece of land that has been taken out of the original parcel, and in all such cases this parcel register will only show the charges that existed as of the date of the opening of the new parcel, it should also show any partial or complete cessations, but does not show any dealings with the charges.

The charges may have been assigned and transferred to other parties. Such transfers and dealings with such charges will be entered in the "Charge Register" or the register where the parcel is first opened up, and where the charge is entered.

Therefore a certificate issued by the Local Master of the parcel asked for, will not show the dealings with charges, and a solicitor acting upon it, may find out after he has his foreclosure order that one of the charges has been assigned or transferred and he has not served the transferee. Assuming as he does that the certificate of title received covers not only the title to the parcel, but full particulars as to all dealings with charges as well.

If such a certificate is required, and it is only such a certificate that really is of use—the Local Master must not only search the Parcel Register but also the Charge Register where the charge is first entered—as any subsequent dealings with that charge is entered only in the Charge Register.

If, therefore, a certificate only of the Parcel Register is given out, the Local Master should, in preparing such certificate add a note that such certificate does not purport to show any dealings with charges or encumbrances that have taken place subsequent to the opening of the new parcel.

If the praecipe states that a certificate is required as to the title together with all dealings as to charges and encumbrances, the added note referred to in the preceding paragraph would not be necessary.

Parties requiring certificates of title should be asked if they want it to include all dealings with charges and encumbrances.

If the requests came by mail, and there is no statement as to whether they desire such a certificate or not, I would assume that they did, and a Local Master should search both the Parcel Register and the Charge Register and state that such certificate not only covers title to the particular parcel but also shows all dealings with charges and encumbrances that have taken place since the opening of the new parcel.

The right of a Local Master to issue a certificate of search in such form as he thinks fit is found in Rule 79.

REGISTRATION AND EFFECT OF A GENERAL RELEASE OF DOWER

I know of no authority for the acceptance and recording of a General Release of Dower, which in form the wife grants and releases to her husband or other party all her dower, right and title that she now has, or in the event of her surviving her husband, that she may have in any lands of her husband, or which may hereafter be owned by him.

Such a release should not be given recognition.

What should be done or could be done would be for the party to obtain a power of attorney from the wife, authorizing the barring of dower.

RE TRANSFERS BY TRANSFeree IN BANKRUPTCY

In one Land Titles office there was tendered for registration a transfer from the authorized trustee of a certain estate in bankruptcy. The wife of the transferor barred her dower, the approval of the Inspectors was given by their signatures in the margin of the transfer, there was also fyled the assignment, the copy of the minutes of the meeting appointing the transferee and Inspectors, the consent of the Inspectors to sell and an affidavit verifying all the above.

The question arises as to whether there should be an order from the Bankruptcy Court produced approving the same.

This question was given very careful consideration at the time Rule 101 was framed. That rule distinctly states that where the debtor's interest has been transferred, the Local Master of Titles upon the application of such person supported by an order of the Court in Bankruptcy vesting or declaring to be vested in the applicant such interest, or declaring that the trustee is entitled to transfer to the applicant such interest, may register such vestee or transferee as the owner.

From the time the original assignment and Official Receiver's appointment was made to the time of the actual transfer by the Transferee, it might be that in some cases other trustees have been appointed or that the original trustee has been replaced, and for that reason, after due consideration and before the final drawing of the rule, it was decided there should be produced an order of the Bankruptcy Court setting out that the party transferring is still the trustee and the proper party to transfer.

This was done because the proceedings in the Bankruptcy Court when once instituted, immediately takes the land out of *The Land Titles Act* entirely and no dealings should be made with the land until it comes back again by order of the Bankruptcy Court.

It is not reasonable to ask a Local Master to follow all proceedings in the Bankruptcy Court, and while the rule might be amended by inserting the words, "or upon such evidence showing the interest of the debtor to be still vested in the trustee as may be required by the Local Master," yet this is open to objection because it would be placing upon the Local Master considerable responsibility to determine and ascertain from the evidence if the trustee were still the proper party.

It is not the desire to be unreasonable in these matters, but the present rule has worked well, up to the present time, and it has been thought to be quite proper to ask for the production of the order of the Bankruptcy Court that the party transferring is still the trustee and still the party entitled to transfer.

I would therefore say that the provisions of the present rule should be followed and there should be an order from the court as therein stated.

As these matters are in the Bankruptcy Court I think it should at least be reasonable to ask that there be produced the order of the Bankruptcy Court which would enable the Local Master to put on any transfer from the Trustee in Bankruptcy.

RE BANKRUPTCY MATTERS

Before registering an assignment or transfer of a charge, cessation of a charge, or before recording any dealing with land, it is imperative that Local Masters should always first make a search of the Bankruptcy Index to see if any assignment in bankruptcy has been made.

If this is not done and an entry is made and it is found that there had been an assignment, the transfer would have no effect whatever and should not be recorded, as, under *The Bankruptcy Act*, it being a Dominion Law, anything belonging to a debtor has passed from him to the Trustee in Bankruptcy and is out of the jurisdiction of the province and no longer can be dealt with under *The Land Titles Act*.

RE BANKRUPTCY—NECESSITY FOR SEARCH

The effect of non-registration is now to be found in the provisions of *The Bankruptcy Act*, chap. 11, R.S.C. 1927, sections 29, 30 and 32.

Section 32 states that the law of the Province as to registration and the effect of non-registration, does apply in favour of an innocent purchaser for value without notice to any land which has not been identified by affidavit, within three months of the making of the receiving order or authorized assignment.

This only protects the purchaser in case he is an innocent purchaser.

Local Masters should not take any chances of having to show that the purchaser was innocent, and if there is received at the office a transfer by a man whose name appears in the *Gazette*—even if the assignment has not been registered—the safe plan to adopt is to notify the trustee, if one has been appointed, and if not, notify the custodian.

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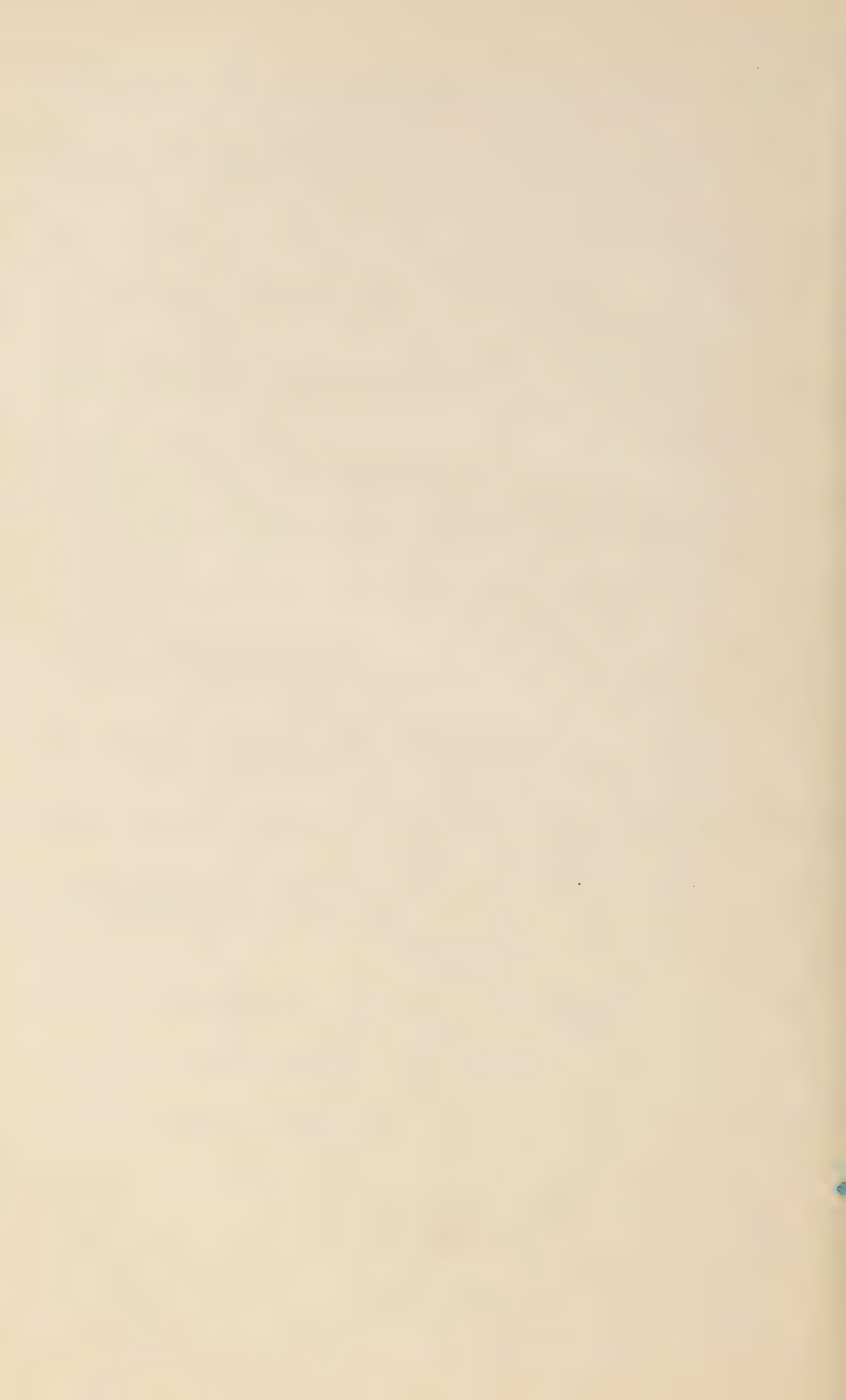
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